

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

**June 9, 2009**

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

**WORKSHOP – 6:00 PM**

- 2009-192 Review and discuss draft wholesale water agreement with Rockett Special Utility District, and direct staff as necessary
- 2009-193 Discuss issues related to the water and wastewater programs, including but not limited to capital needs and budgets, and direct staff as necessary
- 2009-194 Discuss a proposal to fund certain priority roadway and public safety improvements from the unreserved fund balance, and direct staff as necessary

**REGULAR AGENDA -7:00 PM**

Call to Order, Invocation and Pledge of Allegiance

2009-195 Citizens to be Heard

2009-196 Announcements/Presentations

- 1. City Council/City Manager
  - a. Community Affairs calendar
  - b. Recognition of City of Midlothian Relay for Life team
  - c. Proclamation recognizing MISD Middle School and High School Problem Solvers for winning national and international competitions
  - d. Administrative Announcements related to personnel

**REGULAR AGENDA**

- 2009-197 Consider and act upon minutes from City Council meetings of May 26, 2009
- 2009-198 Consider and act upon an Ordinance to vacate and abandon a portion of the right-of-way of Chaparral Parkway. Said right-of-way abandonment contains  $\pm 0.959$  acres and is generally located  $\pm 400$  feet east of the southeast intersection of RailPort Parkway & Chaparral Parkway; declaring that this portion of right-of-way is unnecessary for use by the public; authorizing the Mayor of the City of Midlothian, Texas to execute a Quitclaim Deed releasing public ownership, interest or control of said right-of-way to the abutting fee simple property owner; providing for engrossment and enrollment and providing for an effective date (Case No. ROW01-2008-34)
- 2009-199 Consider and act upon a bid award for the replacement of the South Outfall Sanitary Sewer Main to Circle H Contractors, L.P. in an amount not to exceed \$1,332,889.15
- 2009-200 Consider a Resolution authorizing Lisa G. Roberts, United States Right of Way Acquisition Company, acting on behalf of the City of Midlothian, to make a final offer in the amount of \$300,970.00 for the Real Property, \$13,538.00 cost to cure for a total of \$314,508.00 to Ellis 1270, LLC, for acquisition of a right-of-way parcel, in fee simple, described as 11.8583 acres, located in the Leeman Kelsey Survey, Abstract No. 593 and the Cuadrilla Irrigation Company Survey, Abstract No. 1206, Midlothian, Ellis County, Texas, as shown in the proposed resolution, for an aggregate value of \$300,970.00 for the Real Property, \$13,538.00 cost to cure for a total of \$314,508.00 Said right-of-way is fully described in the proposed Resolution

- 2009-201 Consider a Resolution authorizing Lisa G. Roberts, United States Right of Way Acquisition Company, acting on behalf of the City of Midlothian, to make a final offer in the amount of \$381,590.00 to Richard Miskimon and wife, Sheri Miskimon, for acquisition of a right-of-way parcel, in fee simple, described as 1.1812 acres, located in the John Chamblee Survey, Abstract No. 192, Midlothian, Ellis County, Texas, as shown in the proposed resolution, for an aggregate value of \$381,590.00. Said right-of-way is fully described in the proposed Resolution
- 2009-202 Consider and act upon an Interlocal Agreement between the Midlothian Independent School District and the City of Midlothian, Texas for the assignment of a City of Midlothian police officer and sergeant to MISD during the 2009-10 school year
- 2009-203 Consider and take act upon a revised Interlocal Agreement between the City of Red Oak and the City of Midlothian, Texas to authorize Midlothian to provide 9-1-1 communication and dispatch services to Red Oak
- 2009-204 Consider and act upon appointments to Council Subcommittees: Utility, Planning/Economic Development, Transportation/Public Safety, and Nomination Subcommittee

### **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: Deliberation regarding condemnation of real property for U.S. Highway 67 grade separation project
5. Section 551.072 Real Estate: Deliberate and consider the acquisition of real property necessary for utility, roadway and parks improvement projects
6. Section 551.071 Legal: Consultation with attorney regarding Cause No. 07-C-3025, Ken Halverson v. City of Waxahachie, City of Midlothian, and Midlothian-Waxahachie Airport Board
7. Section 551.071 Legal: Consultation with attorney regarding Cause No. 74,681; City of Midlothian v. Corgan Associates, et al

### **REGULAR AGENDA**

- 2009-205 Action resulting from Executive Session, Item #1: Randall Denton, Cause No. 75885
- 2009-206 Action resulting from Executive Session, Item #2: TCBL, Cause No. 3-07-CV-1351-N
- 2009-207 Action resulting from Executive Session, Item #3: TCBL, Cause No. 67202
- 2009-208 Action resulting from Executive Session, Item #4: Highway 67
- 2009-209 Action resulting from Executive Session, Item #5, Utility, Roadway and Parks Projects
- 2009-210 Action resulting from Executive Session, Item #6, Ken Halverson
- 2009-211 Action resulting from Executive Session, Item #7, Corgan & Associates

2009-212 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 5<sup>th</sup> day of June, 2009, 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.**