

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

July 14, 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

REGULAR AGENDA -6:00 PM

Call to Order, Invocation and Pledge of Allegiance

2009-230 Citizens to be Heard

2009-231 Announcements/Presentations

1. City Council/City Manager
 - a. Community Affairs calendar
 - b. Census 2010 presentation
 - c. Presentation of Draft Budget for Fiscal Year 2009-2010
 - c. 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.

2009-232 Consider and act upon minutes from City Council meetings of June 23, 2009

2009-233 Consider and take action on an Interlocal Agreement between Sam Houston State University and the City of Midlothian, Texas for the utilization of the CRIMES software

2009-234 Consider and act upon a resolution authorizing a Downtown Farmers Market to be hosted by the Midlothian Downtown Business Association to be held July thru October 2009, the market will take place on alternate Saturdays, 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. RES08-2008-38)

2009-235 Consider and act upon an ordinance of the City of Midlothian, Texas, amending Ordinance 2000-53, by amending temporary food permit fees contained in Section 4(c) – Permits and Exceptions, by adding a food vendor permit fee participating in a downtown farmers market; providing a severability clause and establishing an effective date

2009-236 Consider and act upon approval of the Midlothian Chamber of Commerce's request to expend \$13,030 of Municipal Hotel/Motel Tax monies for advertisement and other related expenditures for the 2009 Fall Festival and 5k Race

2009-237 Consider and act upon approving a one-time, two year renewal of the Arbitrage Rebate Compliance Services contract with First Southwest Asset Management, Inc. to comply with Section 148 of the Internal Revenue Code of 1986, as amended

REGULAR AGENDA

- 2009-238 Consider and act upon a bid award to Sam's Mowing Services to execute brush cut mowing of specific rights-of-way for the City of Midlothian in an amount not to exceed Thirty Three Thousand, Six Hundred Twenty-Two Dollars and Twenty-Three Cents (\$33,622.23)
- 2009-239 Consider and act upon a resolution authorizing Don Hastings, City Manager, acting on behalf of the City of Midlothian, to make a formal offer to Cann Real Estate, Ltd. for the acquisition of a 30-foot-wide sanitary sewer easement and a 50-foot-wide temporary construction easement described as 1.949 acres/84,895 square feet, located in the John Chamblee Survey, Abstract No. 192 and the Allen Reeves Survey, Abstract No. 939, Midlothian, Ellis County, Texas, a 10-foot-wide utility easement described as 0.046 acres/1,996 square feet, located in the Allen Reeves Survey, Abstract No. 939, Midlothian, Ellis County, Texas, and a variable width drainage and utility easement described as 0.108 acres/4,718 square feet, located in the Allen Reeves Survey, Abstract No. 939, Midlothian, Ellis County, Texas, as described in Exhibit "A" and Exhibit "B" attached hereto and made a part hereof for all purposes. Said sanitary sewer easement, temporary construction easement, utility easement and drainage and utility easement are fully described in the proposed resolution
- 2009-240 Consider and act upon a "Temporary Contract Relating to Raw Water Diversions from Joe Pool Reservoir" with Encino Landscape, Inc. for the diversion and purchase of up to 250,000 gallons of raw water for irrigation purposes within Cedar Hill State Park
- 2009-241 Consider and act upon an engineering services agreement with Schrickel, Rollins and Associates, Inc. (SRA) for Phase II Design on Water Treatment Plant No. 2 in an amount not to exceed \$1,950,300
- 2009-242 Consider and act upon a resolution authorizing T. Scott Bryan, TxDOT Aviation Division of TxDOT, acting on behalf of the Cities of Waxahachie and Midlothian to make an amended formal offer in the total amount of \$257,950.00 to Sid Strebeck and Max Thompson; \$203,400.00 for acquisition of a parcel of land in fee simple consisting of 27.117 acres of land, situated in the L. W. Stewart Survey, Abstract 997 in Ellis County, Texas, \$48,600.00 for damages to remainder of property, and \$5,950.00 for costs to cure. All property is located in Ellis County, Texas, described in "Exhibit A" attached to the proposed resolution
- 2009-243 Consider and act upon awarding employee insurance contracts for medical and dental employee insurance coverage for Fiscal Year 2009-2010
- 2009-244 Consider and act upon recommendations of the City Council Nomination Subcommittee for appointments to various City boards and commissions

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. 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

REGULAR AGENDA

- 2009-245 Action resulting from Executive Session, Item #1: Randall Denton, Cause No. 75885
- 2009-246 Action resulting from Executive Session, Item #2: TCBL, Cause No. 3-07-CV-1351-N
- 2009-247 Action resulting from Executive Session, Item #3: TCBL, Cause No. 67202
- 2009-248 Action resulting from Executive Session, Item #4: Highway 67
- 2009-249 Action resulting from Executive Session, Item #5, Utility, Roadway and Parks Projects
- 2009-250 Action resulting from Executive Session, Item #6, Ken Chambers, Cause No. 08-C-3999
- 2009-251 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 10th day of July, 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.**