

**NOTICE OF A REGULAR MEETING  
OF THE GOVERNING BODY  
OF THE CITY OF MIDLOTHIAN, TEXAS  
Tuesday, February 9, 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

- 2010-36 Announcements/Presentations
- a. Community Affairs calendar
  - b. Recognition of Midlothian Future Farmers of America (FFA)
  - c. Hope Clinic report to be presented by Lisa Caton
  - d. Council Subcommittee Reports
    - Public Safety/Transportation
    - Utility
  - d. Administrative Announcements related to personnel
    - Recognition of City's contribution to 2010 United Way Campaign  
Texas Municipal League 2008-09 Equity Return to City of Midlothian/City Safety Subcommittee

**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.*

- 2010-37 Consider and act upon an Engineering Services Agreement, Modification No. 1 to the Phase I and Phase II Geotechnical Engineering and Material Testing Services for Water Treatment Plant No. 2 with Reed Engineering Group for additional field and laboratory investigation and geotechnical engineering services in an amount not to exceed \$14,500
- 2010-38 Consider and act upon a Resolution to authorize a Downtown Farmers Market to be hosted by the Midlothian Downtown Business Association and held in the west City Hall parking lot May 1, 2010 through October 2010, 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. RES04-2009-16)
- 2010-39 Consider and act upon a calendar for the FY 2010-2011 Strategic Plan and Annual Operating Budget.

**REGULAR AGENDA**

- 2010-40 Citizens to be Heard

**WORKSHOP**

- 2010-40 Consider and discuss the adopted *Policy on Governance Process and Code of Ethics* and potential amendments thereto, and direct staff accordingly

## 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: Deliberate and consider the acquisition of real property necessary for roadway and parks improvement projects
5. Section 551.071 Legal: Consultation with attorney regarding Cause No. 71-181-00458-08, City of Midlothian and County of Ellis v. Kehe Foods
6. Section 551.071 Legal: Consultation with attorney regarding Cause No. 68846, ECOM Real Estate Management, Inc. v. City of Midlothian
7. Section 551.071 Legal: Consultation with attorney regarding Cause No. D-1-GN-08-000516, Wax Mid, Inc. v. Texas Commission on Environmental Quality and City of Midlothian, et al

## REGULAR AGENDA

- 2010-41 Action resulting from Executive Session, Item #1: Randall Denton, Cause No. 75885
- 2010-42 Action resulting from Executive Session, Item #2: TCBL, Cause No. 3-07-CV-1351-N
- 2010-43 Action resulting from Executive Session, Item #3: TCBL, Cause No. 67202
- 2010-44 Action resulting from Executive Session, Item #4: Acquisition of real property
- 2010-45 Action resulting from Executive Session, Item #5: Kehe Foods
- 2010-46 Action resulting from Executive Session, Item #6: ECOM
- 2010-47 Action resulting from Executive Session, Item #7: Wax Mid, Inc.
- 2010-48 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 5th day of February 2010 at or before 5:00 p.m.

  
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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.**