

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

Tuesday, June 8, 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

- 2010-184 Announcements/Presentations
- a. Community Affairs calendar
 - b. Historical Society presentation related to J.R. Irvin Gymnasium
 - 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.

- 2010-185 Consider and act upon minutes from City Council meeting of May 25, 2010.
- 2010-186 Consider and act upon awarding a one-year contract to Midtech Power and Control, LLC, for City-wide electrical services
- 2010-187 Consider and act upon awarding a contract to Legacy Contracting, LP, dba Control Specialist Services, LP, to provide Pumping Facility Maintenance Services for the Water Treatment Plant on an as needed basis.

PUBLIC HEARINGS

- 2001-188 Conduct a public hearing to consider and act upon an Ordinance for a Specific Use Permit (SUP) request to allow a 1,000,000-gallon elevated water tower at 1521 Tower Road. Property is zoned Agricultural (A) District, consisting of 4.9562 acres out of the Alexander James Survey, Abstract 589 and generally located west of FM 663 and approximately 1,192 feet north of Tower Road, in the City of Midlothian (Case No. SUP03-2009-37)
- 2010-189 Consider and act upon an Ordinance to vacate and abandon the last portion of old West Avenue F said right-of-way contains ± 0.126 acres and is generally located east of Eric Street and ± 175 feet south of the current Avenue F, and more fully described hereinafter on the attached Exhibit "A"; declaring that such 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. ROW02-2009-45)

REGULAR AGENDA

- 2010-190 Citizens to be Heard

- 2010-191 Consider and act upon an ordinance amending Ordinance 2007-25, the City's drilling ordinance, to amend Article VI increasing the drilling permit fee and establishing an annual registration fee for each operating well; providing that this ordinance shall be cumulative of all ordinances; establishing and prescribing penalties for violation of its provision; repealing all conflicting ordinances; and providing for severability and a saving clause; and providing for immediate effect (Case No. M11-2009-49)
- 2010-192 Consider and act upon a Master Services Agreement between the City of Midlothian and Universal Ensco, Inc. for gas well inspection services (Case No. M12-2009-50)
- 2010-193 Consider and take action to authorize the City Manager to enter into a five year contract with Weaver, LLP, for Professional Financial Auditing Services.
- 2010-194 Annual review of the *Policy on Governance Process* and *Code of Ethics*

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. 71-181-00458-08, City of Midlothian and County of Ellis v. Kehe Foods
2. Section 551.087 Deliberation regarding economic development negotiations
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 551.071 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
5. Section 551.071 Legal: Consultation with attorney regarding Cause No. 3-07-CV-1351-N, Texas Central Business Lines Corporation v. City of Midlothian
6. Section 551.072 Real Estate: Deliberate and consider the acquisition of real property necessary for roadway and parks improvement projects
7. Section 551.074(a)1 Personnel Matters: to deliberate the Municipal Court Judge position

REGULAR AGENDA

- 2010-195 Action resulting from Executive Session, Item #1: Kehe Foods
- 2010-196 Action resulting from Executive Session, Item #2: Economic development negotiations
- 2010-197 Action resulting from Executive Session, Item #3: Cause No. 67202, TCBL
- 2010-198 Action resulting from Executive Session, Item #4: Cause No. 75885, Randall Denton
- 2010-199 Action resulting from Executive Session, Item #5: Cause No. 3-07-CV-1351-N, TCBL
- 2010-200 Action resulting from Executive Session, Item #6: Real Estate/Roadway and Parks
- 2010-201 Action resulting from Executive Session, Item #7: Personnel
- 2010-202 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 4th day of June, 2010 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.**