

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

Tuesday, September 14, 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

2010-321 Announcements/Presentations

- a. Community Affairs calendar
- b. Recognition of Midlothian Youth Football Association
- c. Presentation by representative of Midlothian Fire Department regarding Breast Cancer Awareness Month and observance of “Pink Out Day”
- d. Presentation of GFOA Distinguished Budget Presentation Award to Finance Department staff
- e. Administrative Announcements related to personnel

WORKSHOP

2010-322 Conduct a workshop regarding Municipal Management Districts (MMD) and the potential establishment of a MMD near Padera Lake in western Midlothian

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.

2010-323 Consider and act upon minutes from City Council meetings of August 24, 26 and 31, 2010

2010-324 Consider and act upon authorizing a contract with 24 Hour Wrecker Service, Inc. through the City of DeSoto and Best Southwest Purchasing Cooperative, for city-wide wrecker and towing services

2010-325 Consider and take action to renew the Interlocal Agreement between North Central Texas Council of Governments and City of Midlothian for 911 service, equipment, addressing and data base maintenance

2010-326 Consider and act upon an ordinance of the City Council of the City of Midlothian, Texas, approving a negotiated resolution between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" or the "Company") regarding the Company's third rate review mechanism (“RRM”) filing in all cities exercising original jurisdiction; declaring existing rates to be unreasonable; requiring the Company to reimburse cities’ reasonable ratemaking expenses; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement and finding the rates to be set by the attached tariffs to be just and reasonable; approving Atmos Mid-Tex's proof of revenues; extending the RRM process for two cycles and adopting a new RRM tariff; ratifying the settlement agreement, including cost recovery for a steel service line replacement program; adopting a savings clause; determining that this ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; declaring an effective date; and requiring delivery of this ordinance to the Company and the Steering Committee’s legal counsel.

- 2010-327 Consider and act upon approval of a purchase agreement with Motorola Inc. to provide P-25 compliant radio infrastructure, in an amount not to exceed \$50,000.00
- 2010-328 Consider and take action on an Interlocal Agreement between the City of Fort Worth and the City of Midlothian, Texas in order to provide for the disposal of unused household hazardous chemicals

PUBLIC HEARINGS

- 2010-329 Consider and act upon an ordinance adopting the FY 2010-2011 Annual Operating Budget/Service and Assessment Plan for the City of Midlothian Public Improvement District Number One (MidTowne PID), as established by Ordinance 2008-28, as authorized by Chapter 372 of the Texas Local Government Code (Case No. M13-2009-58)
- 2010-330 Conduct a public hearing regarding the proposed FY 2010-2011 Annual Operating Budget for the City of Midlothian and act upon an ordinance adopting the FY 2010-2011 Annual Operating Budget and plan for municipal services for the ensuing fiscal year beginning October 1, 2010 and ending September 30, 2011, in accordance with Local Government Code §102; appropriating money to a Sinking Fund to pay interest and principal on the City's indebtedness; appropriating the various amounts thereof; repealing conflicting ordinances and resolutions; including a severability clause and establishing an effective date

REGULAR AGENDA

- 2010-331 Citizens to be Heard
- 2010-332 Consider and act upon an ordinance, by record vote of the City Council of the City of Midlothian, Texas, levying and assessing municipal ad valorem taxes for the City of Midlothian, for the fiscal year 2010-2011, at \$0.273906 for Maintenance and Operations and \$0.376094 for Interest and Sinking Funds, for a total of sixty-five and no cents (\$0.65), specifically for the purpose for which said taxes may be expended and directing the assessment and collection thereof; repealing conflicting Ordinances and Resolutions; including a severability clause and establishing an effective date
- 2010-333 Consider and act upon an ordinance of the City Council of the City of Midlothian, Texas, providing for a seventy thousand dollar (\$70,000) residential homestead exemption for persons sixty-five years of age or older from all ad valorem taxes hereafter levied and providing an exemption for disabled veterans based upon the degree of their disability; repealing conflicting Ordinances and Resolutions; including a severability clause and establishing an effective date
- 2010-334 Consider and act upon an ordinance of the City of Midlothian, prohibiting substances known as synthetic cannabinoids or salvia divinorum which are frequently known as or marketed as products such as "k-2", "k-2 summit", "k-2 sex", "genie", "dascents", "zohai", "sage", "spice", "ko knock-out 2", "spice gold", "spice diamond", "yucatan fire", "solar flare", "pep spice", "fire n' ice", and "salvia divinorum"; providing a repealing clause; providing a savings clause; providing a severability clause; providing for penalty of a fine not to exceed two thousand dollars (\$2,000.00); and providing for publication and an effective date
- 2010-335 Consider and act upon authorizing the Mayor to sign a Certification Letter to the Office of the Texas Attorney General stating that the City of Midlothian Impact Fee Program is in compliance with Texas Local Government Code, Chapter 395
- 2010-336 Consider and act upon approval of the addition of the Cities of Red Oak and Venus, Texas to the Best Southwest Purchasing Cooperative

- 2010-337 Consider and act upon a resolution approving a grant in the amount of sixty thousand and 00/100 (\$60,000.00) dollars, to be awarded by the Midlothian Community Development Corporation (MCDC or 4B) to the City of Midlothian to help fund the repair and preservation of the Larkin Newton Log Cabin
- 2010-338 Consider and act upon approval of a purchase agreement with Knight Security and Lantana in the amount of \$26,671.75 to provide increased security and control of the Public Works facility, including additional cameras, gate control, and integration with the City's central monitoring and control system at the Police Department
- 2010-339 Consider and act upon a wholesale treated water agreement with Rockett Special Utility District and authorize the City Manager to execute said agreement on behalf of the City of Midlothian
- 2010-340 Consider and act upon a request from Rockett Special Utility District to recalculate the overage charged for fiscal year 2007-2008

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 551.072 Real Estate: Deliberate and consider the acquisition of real property necessary for roadway and parks improvement projects
2. 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.
3. Section 551.071 Legal: Consultation with attorney regarding Cause No. 3-07-CV-1351-N, Texas Central Business Lines Corporation v. City of Midlothian
4. 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
5. Section 551.071 Legal: Consultation with attorney regarding Cause No. 3:10-cv-01521-K, Paul Nichols v. City of Midlothian
6. Section 551.071 Legal: Consultation with attorney regarding Cause No. 09-C-3214; City of Midlothian and City of Waxahachie v. Sid Strebeck, et al

REGULAR AGENDA

- 2010-341 Action resulting from Executive Session, Item #1: Real Estate/Roadway and Parks
- 2010-342 Action resulting from Executive Session, Item #2: Randall Denton, et al
- 2010-343 Action resulting from Executive Session, Item #3: Texas Central Business Lines
- 2010-344 Action resulting from Executive Session, Item #4: Ken Chambers, et al
- 2010-345 Action resulting from Executive Session, Item #5: Paul Nichols
- 2010-346 Action resulting from Executive Session, Item #6: Sid Strebeck
- 2010-347 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 September, 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.**