

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

- 2010-465 Announcements/Presentations
- a. Community Affairs calendar
 - b. Fire Department Badge Pinning Ceremony
 - c. Administrative Announcements related to personnel

CONSENT AGENDA

- 2010-466 Consider and act upon minutes from City Council meetings of November 19 and 23, and December 6, 2010
- 2010-467 Consider and act upon cancelling the December 28, 2010 Regular City Council meeting
- 2010-468 Consider and act upon approval of an Interlocal Agreement for Communications Services between the City of Midlothian and the City of Ovilla for a term of ten years, with an option to renew for two one-year terms
- 2010-469 Consider and act upon approval of an Interlocal Agreement for Detention Services between the City of Midlothian and the City of Ovilla for a term of ten years, with an option to renew for two one-year terms

PUBLIC HEARINGS

- 2010-470 Conduct a public hearing to consider and act upon an ordinance to amend Planned Development 39, Texanna Ranch, Ordinance 2009-10, to allow for 10% of houses to have front entry garages on the following lots in Texanna Ranch, Phase 1: Block A, Lots 13R thru 23R, Block B, Lots 34R thru 36R, Block C, Lot 21R and, Block D, Lots 13R and 14R. Property is located north of FM 1387 and east of Bryson Lane, in the City of Midlothian, Texas (Case Z01-2010-05)
- 2010-471 Conduct a public hearing to consider and act upon an ordinance to rezone two tracts of land containing a total of ± 0.8544 acres, located out of the Jordon Powers Survey, Abstract No. 838, from the current Agricultural (A) District to Single Family Two (SF-2) District. Property is located south of FM 1387 and west of Hidden Meadow Lane, in the City of Midlothian, Texas (Case Z02-2010-09)

REGULAR AGENDA

- 2010-472 Citizens to be heard
- 2010-473 Consider and act upon an agreement with Insituform Technologies, Inc. of Corinth, Texas for a 2010-2011 Manhole Rehabilitation Phase II Project – with SpectraShield multi-layered liner system, in an amount not to exceed \$65,090.96

- 2010-474 Consider and act upon a resolution supporting the construction of the west side supply water transmission main; requesting financial assistance from the Texas Water Development Board; authorizing the filing of an application for assistance through the Texas Environmental Infrastructure Program; and providing for an effective date.
- 2010-475 Consider and act upon an ordinance amending the FY 2010-2011 General Fund Budget appropriations in the amount of \$63,899.47 from the Unreserved Fund Balance for expenditures encumbered but not yet expended from FY 2009-2010; in accordance with Chapter 102, Local Government Code; appropriating various amounts thereof; repealing conflicting ordinances and resolutions; including a severability clause; and establishing an effective date
- 2010-476 Consider and act upon an ordinance amending the FY 2010-2011 Utility Services Fund Budget appropriations in the amount of \$152,288.18 from the Utility Fund Unreserved Fund Balance for expenditures encumbered but not yet expended from FY 2009-2010; in accordance with Chapter 102, Local Government Code; appropriating various amounts thereof; repealing conflicting ordinances and resolutions; including a severability clause; and establishing an effective date
- 2010-477 Consider and act upon an ordinance amending the FY 2010-2011 General Fund Budget appropriations in the amount of \$217,542 from the Unreserved Fund Balance for expenditures not encumbered nor expended from the FY 2009-2010 budget; in accordance with Chapter 102, Local Government Code; appropriating various amounts thereof; repealing conflicting ordinances and resolutions; including a severability clause; and establishing an effective date
- 2010-478 Consider and act upon an ordinance amending the FY 2010-2011 Utility Services Fund budget appropriations in the amount of \$174,651 from the Utility Fund Unreserved Fund Balance for expenditures not encumbered nor expended from FY 2009-2010; in accordance with Chapter 102, Local Government Code; appropriating various amounts thereof; repealing conflicting ordinances and resolutions; including a severability clause; and establishing an effective date
- 2010-479 Consider and act upon a resolution authorizing the Cities Aggregation Power Project, Inc. (CAPP) to negotiate an extension to the current electric supply and necessary related services agreement with NEXT ERA for a fixed price per kWh that is lower than contract rates for 2011-2013, said extension to continue until December 31, 2018; authorizing CAPP to act as an agent on behalf of the City to enter into a contract for electricity; authorizing the Chairman of CAPP to execute an extension to the current electric supply agreement for deliveries of electricity effective January 1, 2011 or as soon after finalization of a contract as possible; committing to budget for energy purchases and to honor the City's commitments to purchase power through CAPP for its electrical needs through December 31, 2018
- 2010-480 Receive information from staff and provide direction regarding possible functional changes to the Council Laptop Program and take action as necessary
- 2010-481 Consider and act upon a thirty-six (36) month fair market value lease with Dell Computers
- 2010-482 Consider and act upon approval of additional certification pay incentives to the City of Midlothian's current certification pay plan schedule, by adding one new category of certification pay related to Conference Center management

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 551.087 Deliberation regarding economic development negotiations
7. Section 551.071 Legal: Consultation with attorney regarding Supreme Court of Texas Cause No. 10-0150, ECOM Real Estate Management, Inc. v. City of Midlothian, Texas.
8. 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

- 2010-483 Action resulting from Executive Session, Item #1: Real Estate/Roadway and Parks
- 2010-484 Action resulting from Executive Session, Item #2: Randall Denton, et al
- 2010-485 Action resulting from Executive Session, Item #3: Texas Central Business Lines
- 2010-486 Action resulting from Executive Session, Item #4: Ken Chambers, et al
- 2010-487 Action resulting from Executive Session, Item #5: Paul Nichols
- 2010-488 Action resulting from Executive Session, Item #6: Economic Development
- 2010-489 Action resulting from Executive Session, Item #7: ECOM
- 2010-490 Action resulting from Executive Session, Item #8: Wax Mid, Inc.
- 2010-491 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 December, 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.**