

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

Tuesday, February 22, 2011

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

- 2011-57 Announcements/Presentations
- a. Community affairs calendar
 - b. Presentation of City's financial audit for Fiscal Year 2009-2010 by representatives of Weaver and Tidwell, LLP
 - c. ISO fire rating inspection report
 - d. Racial profiling report
 - e. Administer Oath of Office to new police officer
 - f. 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.

- 2011-58 Consider and act upon minutes from City Council meeting of February 8, 2011
- 2011-59 Consider and act upon a calendar for the FY 2011-2012 Strategic Plan and Annual Operating Budget
- 2011-60 Consider and act upon authorizing Change Order No. 1 to Preload, Inc. for the three-million gallon concrete tank for Water Treatment Plant No. 2 in a deductive amount of \$14,552.46, resulting in a revised final contract amount of \$1,646,370.54
- 2011-61 Consider and act upon a resolution authorizing the Love to Eat and Run. The 5K run will be hosted by the Midlothian Independent School District Education Foundation and is scheduled for Saturday, May 14, 2011, in accordance with a Special Event Permit as established by the City of Midlothian Zoning Ordinance 89-13 as amended, Section 4.4 (Case No. RES06-2009-23)

REGULAR AGENDA

- 2011-62 Citizens to be heard
- 2011-63 Consider and act upon a request to participate in the funding of a Commercial Redevelopment Strategy and Retail Recruitment Study to be conducted by Catalyst Commercial, Inc. at the direction of the Corporation for the Economic Development of Midlothian, with funding participation by the City not to exceed \$15,000
- 2011-64 Consider and act upon a resolution supporting a formal designation from the Texas Higher Education Coordinating Board establishing a Multi-Institutional Teaching Center (MITC) in Midlothian

- 2011-65 Consider and act upon a resolution authorizing the historic designation of eight historic properties in the City of Midlothian, as a part of the Certified Local Government Program (Case No. RES06-2010-19)
- 2011-66 Consider and act upon an ordinance repealing Ordinance No. 657A as amended, Ordinance No. 86-63, Ordinance No. 87-34, and Ordinance No. 91-09; creating a Construction Board of Appeals; providing a conflicts clause; providing a severability clause, and providing for an effective date
- 2011-67 Consider and act upon a resolution supporting legislation creating the “Midlothian Municipal Management District No. 2”
- 2011-68 Consider and act upon a resolution authorizing Kevin Kendrick, P.E. with Baldwin & Associates, acting on behalf of the City of Midlothian, to make a formal offer to Richard Miskimon and wife, Sheri Miskimon for acquisition of a 25’ waterline easement, described as .138 acres, located in the John Chamblee Survey, Abstract No. 192, Ellis County, Texas. Additionally, to make a formal offer for acquisition of a 50’ temporary construction easement, described as .321 acres, located in the John Chamblee Survey, Abstract No. 192, Ellis County, Texas. The amount to be offered for the waterline easement is \$6,005.00, plus the amount of \$5,586.00 for the temporary construction easement. Said waterline easement and temporary construction easement are more fully describe in the proposed resolution. These acquisitions are necessary for the U.S. Hwy. 67 Grade Separation Project at RailPort Parkway

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. 3:10-cv-01521-K, Paul Nichols v. City of Midlothian
5. Section 551.087 Deliberation regarding economic development negotiations
6. 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.
7. Section 551.071 Legal: Consultation with attorney based on an ethical duty to advise regarding Cause No. 66,519; Holnam Texas Limited Partnership vs. Ellis Central Appraisal District, et al
8. Section 551.072 Real Estate: Deliberation regarding real property; to deliberate the purchase, exchange, lease or value of real property – Rick Miskimon
9. Section 551.071 Legal: Consultation with attorney regarding Cause No. 03-11-00007-CV, Wax Mid, Inc. v. TCEQ, et al

REGULAR AGENDA

- 2011-69 Action resulting from Executive Session, Item #1: Real Estate/Roadway and Parks
- 2011-70 Action resulting from Executive Session, Item #2: Randall Denton, et al
- 2011-71 Action resulting from Executive Session, Item #3: Texas Central Business Lines
- 2011-72 Action resulting from Executive Session, Item #4: Paul Nichols
- 2011-73 Action resulting from Executive Session, Item #5: Economic Development
- 2011-74 Action resulting from Executive Session, Item #6: ECOM
- 2011-75 Action resulting from Executive Session, Item #7: Holnam Texas
- 2011-76 Action resulting from Executive Session, Item #8: Miskimon
- 2011-77 Action resulting from Executive Session, Item #9: Wax Mid, Inc.
- 2011-78 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 18th day of February, 2011 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.**