

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

- 2011-98 Announcements/Presentations
- a. Community affairs calendar
  - b. Draw for places on ballot for May 14, 2011 City Council election
  - c. Public Safety Subcommittee update
  - d. Personnel recognitions
  - e. 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.*

- 2011-99 Consider and act upon minutes from City Council meetings of February 28 and March 8, 2011
- 2011-100 Consider and act upon a resolution authorizing the annual “Head for the Hills” Bicycle Rally routed through the City of Midlothian and hosted by the Cedar Hill Rotary Club on Saturday, May 7, 2011, 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. RES11-2010-34)
- 2011-101 Consider and act upon a resolution authorizing a parade to be hosted by the Midlothian Amateur Baseball and Girls Softball Association, Inc. on Saturday, March 26, 2011 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. RES12-2010-35)

**PUBLIC HEARINGS**

- 2011-102 Conduct a public hearing to consider and act upon an ordinance to amend the City of Midlothian Zoning Ordinance 89-13, as amended, to change the Development Standards in the Central Business District (CBD) and consider and act upon a resolution adopting the Downtown Development Guidelines (Case No. OZ02-2010-21)
- 2011-103 Conduct a public hearing to consider and act upon proposed amendments, additions, and changes to the City of Midlothian’s Subdivision Regulations, Ordinance 88-14, as amended, specifically amending Article 4, Section 4.14 and adding Section 4.19 and any other corresponding additions, deletions or changes to various sections, articles; providing a severability clause; and providing an effective date. Such amendments are designed to change the approval of final plats and add a conveyance plat to the Subdivision Regulations (Case No. OS01-2011-22)

## REGULAR AGENDA

- 2011-104 Citizens to be heard
- 2011-105 Consider and take action to approve updates to the City of Midlothian Human Resources Policy Manual
- 2011-106 Consider and act upon a resolution authorizing the City Attorney, acting on behalf of the City of Midlothian, to institute eminent domain proceedings against Richard Miskimon and wife, Sheri Miskimon, and all other necessary parties, for acquisition of a 25' waterline easement described as 0.138 acres, located in the John Chamblee Survey, Abstract No. 192, Ellis County, Texas. Additionally, for acquisition of a 50' temporary construction easement, described as 0.321 acres, located in the John Chamblee Survey, Abstract No. 192, Ellis County, Texas. Said properties to be acquired and easements are fully described in the proposed resolution and are necessary for the U.S. 67 RailPort Project

## 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 551.071 Legal: Consultation with attorney regarding Cause No. 03-11-00007-CV, Wax Mid, Inc. v. TCEQ, et al
9. Section 551.072 Real Estate: Deliberation regarding condemnation of real property for U.S. Highway 67 grade separation project

## REGULAR AGENDA

- 2011-107 Action resulting from Executive Session, Item #1: Real Estate/Roadway and Parks
- 2011-108 Action resulting from Executive Session, Item #2: Randall Denton, et al
- 2011-109 Action resulting from Executive Session, Item #3: Texas Central Business Lines
- 2011-110 Action resulting from Executive Session, Item #4: Paul Nichols

- 2011-111 Action resulting from Executive Session, Item #5: Economic Development
- 2011-112 Action resulting from Executive Session, Item #6: ECOM
- 2011-113 Action resulting from Executive Session, Item #7: Holnam Texas
- 2011-114 Action resulting from Executive Session, Item #8: Wax Mid, Inc.
- 2011-115 Action resulting from Executive Session, Item #9: U.S. Highway 67
- 2011-116 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 18<sup>th</sup> day of March, 2011 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.**