

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

Tuesday, April 26, 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

2011-149 Announcements/Presentations

- a. Community affairs calendar
- b. Receive quarterly investment report from Linda Patterson of Patterson & Assoc.
- c. Receive United Way presentation
- d. 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.

2011-150 Consider and act upon minutes from City Council meetings of April 5 and 12, 2011

2011-151 Consider and act upon a resolution authorizing the 3rd Annual Victims of Fire 5K Fun Run/Walk hosted by the Midlothian Firefighter's Association scheduled for Saturday, May 7, 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. RES14-2010-41)

PUBLIC HEARINGS

2011-152 Conduct a public hearing and act upon an ordinance regarding amendments to the City of Midlothian Comprehensive Plan, Ordinance 2007-15, as amended, specifically to amend by adding and revising certain road segments on the Thoroughfare Plan Map, including but not limited to: (1) the reclassification of FM 1387 to a major arterial; (2) the reclassification of Ashford Lane to a major collector; (3) the extension of a unnamed major collector street; (4) the realignment and reclassification of the Tower Road to a major collector; (5) the realignment and reclassification of Brookhollow Drive to a major collector/minor arterial; and (6) the realignment of FM 875; or any other revisions or deletions; providing a severability clause; and providing an effective date (Case No. CP01-2010-23)

2011-153 Conduct a public hearing to consider and act upon an ordinance amending Ordinance No. 2010-14, the MidTowne Planned Development Ordinance (PD-41), to allow independent senior living uses located at the intersection of George Hopper Road and the southern extension of Abigail Way. (Case No. Z04-2010-32)

REGULAR AGENDA

2011-154 Citizens to be heard

- 2011-155 Consider and act upon authorizing the Chief Building Official to waive permit fees for the repair and replacement of damaged fencing and electrical service lines as a result of the recent storm on April 11, 2011. Waiver shall expire on October 11, 2011, six months from date of storm
- 2011-156 Receive a staff presentation regarding the status of the draft CEDM Economic Development Plan and update to Section 10, Comprehensive Plan, Economic Development Section; the Strategic Marketing Plan and the Catalyst Retail Strategies Study; direct staff as necessary

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
10. Section 551.071 Legal: Consultation with attorney regarding Cause No. 74,681; City of Midlothian v. Corgan Associates, et al

REGULAR AGENDA

- 2011-157 Action resulting from Executive Session, Item #1: Real Estate/Roadway and Parks
- 2011-158 Action resulting from Executive Session, Item #2: Randall Denton, et al
- 2011-159 Action resulting from Executive Session, Item #3: Texas Central Business Lines
- 2011-160 Action resulting from Executive Session, Item #4: Paul Nichols
- 2011-161 Action resulting from Executive Session, Item #5: Economic Development
- 2011-162 Action resulting from Executive Session, Item #6: ECOM
- 2011-163 Action resulting from Executive Session, Item #7: Holnam Texas

- 2011-164 Action resulting from Executive Session, Item #8: Wax Mid, Inc.
2011-165 Action resulting from Executive Session, Item #9: U.S. Highway 67
2011-166 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 22nd day of April, 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.**