

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

Tuesday, May 10, 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

2011-167 Announcements/Presentations

- a. Community affairs calendar
- b. Receive resignation from Jamie Wickliffe, Councilmember Place 1
- c. Administer Oath of Office to Jamie Wickliffe for her appointment to the Texas State Appraisal Licensing and Certification Board
- d. Proclamation recognizing May as Motorcycle Safety Month
- 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.

2011-168 Consider and act upon minutes from City Council meeting of April 26, 2011

2011-169 Consider and act upon a resolution to authorize a Downtown Farmers Market to be hosted by the Midlothian Downtown Business Association to be held May 21, 2011 through October 2011, on alternate Saturdays, 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. RES13-2010-38)

2011-170 Consider and act upon an Interlocal Agreement between the Midlothian Independent School District (MISD) and the City of Midlothian, Texas for the assignment of a City of Midlothian police officer to MISD during the 2011-12 school year

PUBLIC HEARINGS

2011-171 Continue 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

2011-172 Citizens to be Heard

2011-173 Consider and act upon approval of a bid award to Earth Tones Landscaping for landscaping of the two new Conference Center signs in an amount not to exceed \$22,435.95 to be funded by the Midlothian Community Development Corporation

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

- 2011-174 Action resulting from Executive Session, Item #1: Real Estate/Roadway and Parks
- 2011-175 Action resulting from Executive Session, Item #2: Randall Denton, et al
- 2011-176 Action resulting from Executive Session, Item #3: Texas Central Business Lines
- 2011-177 Action resulting from Executive Session, Item #4: Paul Nichols
- 2011-178 Action resulting from Executive Session, Item #5: Economic Development
- 2011-179 Action resulting from Executive Session, Item #6: ECOM
- 2011-180 Action resulting from Executive Session, Item #7: Holnam Texas
- 2011-181 Action resulting from Executive Session, Item #8: Wax Mid, Inc.
- 2011-182 Action resulting from Executive Session, Item #9: U.S. Highway 67
- 2011-183 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 6th day of May, 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.**