

**NOTICE OF A REGULAR MEETING  
OF THE GOVERNING BODY  
OF THE CITY OF MIDLOTHIAN, TEXAS  
Tuesday, June 14, 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

- 2011-206 Announcements/Presentations
- a. Community Affairs calendar
  - b. Proclamation recognizing Rebecca Hertz
  - c. Recognition of Jeremiah Waxler for his heroic actions
  - 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.*

- 2011-207 Consider and act upon minutes from City Council meeting of May 24, 2011
- 2011-208 Consider and act upon a resolution authorizing the Independence Day Parade, an event hosted by the City of Midlothian Parks and Recreation Department and the City of Midlothian Parks Advisory Board scheduled for Monday, July 4, 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. RES17-2010-54)
- 2011-209 Consider and act upon awarding a contract to various vendors for the purchase of chemicals for the Water Treatment Plant

**PUBLIC HEARINGS**

- 2011-210 Conduct a public hearing to consider and act upon an ordinance correcting Ordinance 2011-09, an amendment to the City of Midlothian Zoning Ordinance 89-13, as amended, incorporating changes to various, articles, sections and subsections; providing a conflicts clause; providing a severability clause, and providing for an effective date. (Case No. M07-2010-49)
- 2011-211 Conduct a public hearing to consider and act upon a request to rezone property located at 1411 North Hwy 67 from its current Commercial (C) District to a proposed Planned Development (PD) District for restaurant and general professional/office uses. Property contains ± 0.3978 acres and is located at the northeast corner of the southbound U.S. Highway 67 service road and North 9<sup>th</sup> Street. (Case No. Z06-2011-40)
- 2011-212 Conduct a public hearing to consider and act upon an ordinance to amend Lawson Farms Planned Development (PD-21), Ordinance 2003-49, to reflect changes due to the recent purchase of park land by the City of Midlothian. Property contains ± 290 acres and is generally located east of FM 663 and north of Ashford Lane, in the City of Midlothian, Texas (Case No. Z05-2010-33)

## REGULAR AGENDA

- 2011-213 Citizens to be Heard
- 2011-214 Consider and act upon a rejection of the bid award approved by Council on May 10, 2011, agenda item 2011-173, to Earth Tones Landscaping and approve a bid award to Earth Tones Landscaping for landscaping of the two new Conference Center signs in an amount not to exceed \$21,800 to be funded by the Midlothian Community Development Corporation
- 2011-215 Consider and discuss a report from the Planning & Zoning Commission, seated as the Capital Improvements Advisory Committee, conveying comments on the Draft 2011 Impact Fee Program update for water, wastewater and road facilities
- 2011-216 Consider and act upon an Engineering Services Agreement with Schrickel, Rollins and Associates, Inc. for Phase II construction phase services for Water Treatment Plant No. 2 in an amount not to exceed \$789,500
- 2011-217 Consider and act upon adoption of the FY 2012-2016 Strategic Plan as a planning document for the City of Midlothian to include personnel and capital equipment for the General Fund and Utility Fund
- 2011-218 Consider and act upon recommendations of the City Council Nomination Subcommittee for appointments to various City boards and commissions

## 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 regarding Cause No. 74,681; City of Midlothian v. Corgan Associates, et al

As authorized by Section 551.071(2) of the Texas Government Code, this meeting may be convened into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item listed herein.

## REGULAR AGENDA

- 2011-219 Action resulting from Executive Session, Item #1: Real Estate/Roadway and Parks
- 2011-220 Action resulting from Executive Session, Item #2: Randall Denton, et al
- 2011-221 Action resulting from Executive Session, Item #3: Texas Central Business Lines
- 2011-222 Action resulting from Executive Session, Item #4: Paul Nichols
- 2011-223 Action resulting from Executive Session, Item #5: Economic Development
- 2011-224 Action resulting from Executive Session, Item #6: ECOM
- 2011-225 Action resulting from Executive Session, Item #7: Corgan
- 2011-226 Action resulting from Executive Session related to Section 551.071(2)
- 2011-227 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 10<sup>th</sup> day of June, 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.**