

**NOTICE OF A REGULAR MEETING
OF THE GOVERNING BODY
OF THE CITY OF MIDLOTHIAN, TEXAS
Tuesday, August 23, 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

2011-327 Announcements/Presentations

- a. Community Affairs calendar
- b. Constitution Week proclamation
- c. Police Department recognition of Terry Williams, Utility Maintenance Foreman, Public Works Department
- d. FY 2011-2012 Budget presentations by Midlothian Senior Center and Midlothian Community Development Corporation
- 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.

2011-328 Consider and act upon minutes from City Council meeting of August 9 and Joint City Council/Utility Advisory Board meeting of August 9, 2011

2011-329 Consider and act upon a resolution authorizing the Midlothian Independent School District (“MISD”) 2011 Homecoming Parade, an event hosted by the MISD, scheduled for Friday, September 23, 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. RES19-2010-61)

WORKSHOP

2011-330 Receive a Zoning Ordinance update and direct staff accordingly

PUBLIC HEARING

2011-331 Conduct a public hearing to consider and act upon an ordinance amending the City of Midlothian Comprehensive Plan Ordinance 2007-15, as amended, revising Section 10 (Economic Development), and, any other corresponding deletions or changes to various sections and subsections; providing a conflicts clause; providing a severability clause, and providing for an effective date (Case No. CP02-2010-46)

2011-332 Conduct a public hearing regarding the proposed FY 2011-2012 Annual Operating Budgets for the City of Midlothian

REGULAR AGENDA

2011-333 Citizens to be heard

2011-334 Consider and act upon authorizing Amendment No. Two to the agreement for Construction Manager at Risk Services for Water Treatment Plant No. 2 with Garney Companies, Inc. to procure equipment from Siemens Water Technologies Corporation for a membrane system in a total amount not to exceed \$2,337,120

- 2011-335 Consider and act upon approval of the purchase and installation at the NEED Center of two (2) Surgard System I alarm receivers with associated hardware and software in an amount not to exceed \$32,000
- 2011-336 Review, discuss and provide recommendations to staff as appropriate regarding a program to recognize and reward City of Midlothian employees

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, utility 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. 74,681; City of Midlothian v. Corgan Associates, et al
9. Section 551.071 Legal: Consultation with attorney regarding Court of Appeals Cause No. 10-09-00145-CV; Ken Halverson and KEN-DO Contracting, L.P. v. City of Midlothian, City of Waxahachie and Midlothian-Waxahachie Airport Board

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

- 2011-337 Action resulting from Executive Session, Item #1: Real Estate/Roadway, Utility and Parks
- 2011-338 Action resulting from Executive Session, Item #2: Randall Denton, et al
- 2011-339 Action resulting from Executive Session, Item #3: Texas Central Business Lines
- 2011-340 Action resulting from Executive Session, Item #4: Paul Nichols
- 2011-341 Action resulting from Executive Session, Item #5: Economic Development
- 2011-342 Action resulting from Executive Session, Item #6: ECOM
- 2011-343 Action resulting from Executive Session, Item #7: Holnam
- 2011-344 Action resulting from Executive Session, Item #8: Corgan

- 2011-345 Action resulting from Executive Session, Item #9: Halverson
2011-346 Action resulting from Executive Session related to Section 551.071(2)
2011-347 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 19th day of August, 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.**