

**NOTICE OF A REGULAR MEETING
OF THE GOVERNING BODY
OF THE CITY OF MIDLOTHIAN, TEXAS
Tuesday, September 13, 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

2011-348 Announcements/Presentations

- a. Community Affairs calendar
- b. 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.

2011-349 Consider and act upon minutes from City Council meeting of August 23, 2011

2011-350 Consider and act upon authorizing the Mayor to execute a certification letter to the Office of the Texas Attorney General stating that the City of Midlothian Impact Fee Program is in compliance with Texas Local Government Code, Chapter 395

PUBLIC HEARING

2011-351 Conduct a public hearing and act upon an ordinance for the proposed FY 2011-2012 Annual Operating Budget/Service and Assessment Plan for the City of Midlothian Public Improvement District Number One (MidTowne PID), as established by Ordinance 2008-28, as authorized by Chapter 372 of the Texas Local Government Code (Case No. M13-2010-63)

2011-352 Conduct a public hearing regarding the proposed FY 2011-2012 Annual Operating Budget for the City of Midlothian and act upon an ordinance adopting the FY 2011-2012 Annual Operating Budget and plan for municipal services for the ensuing fiscal year beginning October 1, 2011 and ending September 30, 2012, in accordance with Local Government Code §102; appropriating money to a Sinking Fund to pay interest and principal on the City's indebtedness; appropriating the various amounts thereof; repealing conflicting ordinances and resolutions; including a severability clause and establishing an effective date

REGULAR AGENDA

2011-353 Citizens to be heard

2011-354 Consider and act upon an ordinance, by record vote of the City Council of the City of Midlothian, Texas, levying and assessing municipal ad valorem taxes for the City of Midlothian, for the fiscal year 2011-2012, at \$0.272313 for Maintenance and Operations and \$0.377687 for Interest and Sinking Funds, for a total of sixty-five cents (\$0.65), specifically for the purpose for which said taxes may be expended and directing the assessment and collection thereof; repealing conflicting ordinances and resolutions; including a severability clause and establishing an effective date

- 2011-355 Consider and act upon an ordinance of the City of Midlothian, Texas, providing for a seventy thousand dollar (\$70,000) residential homestead exemption for persons sixty-five years of age or older from all ad valorem taxes hereafter levied and providing an exemption for disabled veterans based upon the degree of their disability; repealing conflicting ordinances and resolutions; including a severability clause and establishing an effective date
- 2011-356 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
- 2011-357 Consider and act upon an amendment to the Retail Water Service Area Agreement with Mountain Peak Special Utility District for the transfer of certain Certificate of Convenience and Necessity (CCN) areas
- 2011-358 Consider and act upon approval of a proposal to replace the fence and lighting at Kimmel Park in an amount not to exceed \$57,000
- 2011-359 Consider and act upon awarding a month-to-month rental agreement to Documation Business Technology Integration, for the monthly rental of fifteen multi-purpose copier/scanner/fax and printers utilizing the U.S. Communities Cooperative Purchasing Program, in the amount of \$4,869 monthly
- 2011-360 Consider and act upon a request to write off aged accounts receivable EMS ambulance billings older than nine months in accordance with established policy

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 551.072 Real Estate: Deliberation regarding real property - to deliberate the purchase, exchange, lease or value of real property

10. Section 551.074 Personnel Matters: (a)(1) to deliberate the appointment, employment or duties of the Executive Director of the Corporation for the Economic Development of Midlothian

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

- 2011-361 Action resulting from Executive Session, Item #1: Real Estate/Roadway, Utility and Parks
- 2011-362 Action resulting from Executive Session, Item #2: Randall Denton, et al
- 2011-363 Action resulting from Executive Session, Item #3: Texas Central Business Lines
- 2011-364 Action resulting from Executive Session, Item #4: Paul Nichols
- 2011-365 Action resulting from Executive Session, Item #5: Economic Development
- 2011-366 Action resulting from Executive Session, Item #6: ECOM
- 2011-367 Action resulting from Executive Session, Item #7: Holnam
- 2011-368 Action resulting from Executive Session, Item #8: Corgan
- 2011-369 Action resulting from Executive Session, Item #9: Real Estate
- 2011-370 Action resulting from Executive Session, Item #10: Personnel
- 2011-371 Action resulting from Executive Session related to Section 551.071(2)
- 2011-372 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 9th day of September, 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.**