

**NOTICE OF A REGULAR MEETING  
OF THE GOVERNING BODY  
OF THE CITY OF MIDLOTHIAN, TEXAS  
Tuesday, November 22, 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

- 2011-463 Announcements/Presentations
- a. Community Affairs calendar
  - b. Public Safety/Transportation Subcommittee report
  - c. 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.*

- 2011-464 Consider and act upon minutes from City Council meetings of November 1, 7, and 8, 2011
- 2011-465 Consider and act upon a resolution supporting the reconstruction and intersection improvements of FM 1387 at Walnut Grove Road and pledging commitment to the Texas Department of Transportation for funding of the associated construction costs for this project
- 2011-466 Consider and act upon authorizing the City Manager to execute a “Permit to Operate and Maintain a Temporary Access Road within Trinity River Authority of Texas Easement” for access to Water Treatment Plant No. 2 through the Mountain Creek Regional Wastewater System property

**WORKSHOP**

- 2011-467 Review and discuss Code Enforcement issues and direct staff accordingly (Part II)

**REGULAR AGENDA**

- 2011-468 Citizens to be heard
- 2011-469 Consider and act upon approving a four-year Midlothian Conference Center rental contract between the City of Midlothian and Stonegate Church, with an optional one-year extension
- 2011-470 Consider and act upon approving a Master Interlocal Cooperative Purchasing Agreement with the City of Grand Prairie, Texas
- 2011-471 Consider and act upon an ordinance amending the FY 2011-2012 General Fund budget appropriations in the amount of \$72,298.31 from the General Fund unreserved fund balance for expenditures encumbered but not yet expended from the FY 2010-2011 General Fund budget; in accordance with Chapter 102, Local Government Code; appropriating various amounts thereof; repealing conflicting ordinances and resolutions; including a severability clause; and establishing an effective date

- 2011-472 Consider and act upon an ordinance amending the FY 2011-2012 Utility Fund budget appropriations in the amount of \$21,972.99 from the Utility Fund unreserved fund balance for expenditures encumbered but not yet expended from the FY 2010-2011 Utility Fund budget; in accordance with Chapter 102, Local Government Code; appropriating various amounts thereof; repealing conflicting ordinances and resolutions; including a severability clause; and establishing an effective date
- 2011-473 Consider and act upon an ordinance amending the FY 2011-2012 General Fund budget appropriations in the amount of \$52,723 from the General Fund unreserved fund balance for expenditures not encumbered nor expended from the FY 2010-2011 General Fund budget; in accordance with Chapter 102, Local Government Code; appropriating various amounts thereof; repealing conflicting ordinances and resolutions; including a severability clause; and establishing an effective date
- 2011-474 Consider and act upon an ordinance amending the FY 2011-2012 Utility Fund budget appropriations in the amount of \$329,888 from the Utility Fund unreserved fund balance for expenditures not encumbered nor expended from the FY 2010-2011 Utility Fund budget; in accordance with Chapter 102, Local Government Code; appropriating various amounts thereof; repealing conflicting ordinances and resolutions; including a severability clause; and establishing an effective date
- 2011-475 Consider and act upon a thirty-six (36) month fair market value lease with Dell Computers for 16 laptops and 31 desktops. The Lease is part of the City's computer replacement program as approved in the Capital Equipment Program and the FY 2011-2012 Budget

### 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 551.071 Legal: Consultation with attorney regarding City of Midlothian v. Randall Denton, MidTexas International Center, Inc., Texas Properties Trust and Trade Zone Operations, Inc.
2. Section 551.071 Legal: Consultation with attorney regarding Cause No. 3-07-CV-1351-N, Texas Central Business Lines Corporation v. City of Midlothian
3. 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
4. Section 551.087 Deliberation regarding economic development negotiations
5. 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.
6. Section 551.071 Legal: Consultation with attorney regarding Cause No. 74,681; City of Midlothian v. Corgan Associates, et al
7. Section 551.074 Personnel Matters: (a)(1) to deliberate the appointment, employment or duties of an Economic Development Executive Director for the City of Midlothian
8. Section 551.072 Real Estate: Deliberate and consider the acquisition of real property necessary for roadway and parks improvement projects
9. Section 551.072 Real Estate: Deliberation regarding real property - to deliberate the purchase, exchange, lease or value of real property

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

- 2011-476 Action resulting from Executive Session, Item #1: Randall Denton, et al
- 2011-477 Action resulting from Executive Session, Item #2: Texas Central Business Lines
- 2011-478 Action resulting from Executive Session, Item #3: Holnam
- 2011-479 Action resulting from Executive Session, Item #4: Economic Development
- 2011-480 Action resulting from Executive Session, Item #5: ECOM
- 2011-481 Action resulting from Executive Session, Item #6: Corgan
- 2011-482 Action resulting from Executive Session, Item #7: Personnel – Economic Development Executive Director
- 2011-483 Action resulting from Executive Session, Item #8: Real Estate
- 2011-484 Action resulting from Executive Session, Item #9: Real Estate
- 2011-485 Action resulting from Executive Session related to Section 551.071(2)
- 2011-486 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 18th day of November, 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.**