

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

2011-487 Announcements/Presentations

- a. Community Affairs calendar
- b. Proclamation recognizing Dr. Cubie Ward upon his retirement
- 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.

2011-488 Consider and act upon minutes from City Council meeting of November 22, 2011

2011-489 Consider and act upon the resignation of Mayor Boyce L. Whatley and Councilmember Place 2 Bill Houston

2011-490 Consider and act upon a resolution providing for a special election to be held to elect a Mayor and one Councilmember in the City of Midlothian; defining the unexpired term of office; designating the polling location; designating the election judge and providing for clerical personnel; designating the time and place; providing for a run-off election; and providing for the filing of applications for the official ballots for said election

2011-491 Consider and act upon cancelling the December 27, 2011 Regular City Council meeting

PUBLIC HEARINGS

2011-492 Conduct a public hearing to consider and act upon replacing Zoning Ordinance 89-13, as amended, to reformat and reorganize, creating new sections and subsections, and to include illustrations (Case No. OZ03-2010-24)

2011-493 Conduct a public hearing and act upon an ordinance to amend the City of Midlothian Zoning Ordinance 89-13, as amended, creating a new zoning district, Community Facilities (CF) District, incorporating changes to various, articles, sections and subsections; providing a conflicts clause; providing a severability clause, and providing for an effective date (Case No. OZ04-2010-66)

2011-494 Conduct a public hearing to consider and act upon an ordinance for a Specific Use Permit (SUP), to allow an electronic message sign for Walnut Grove Family Health Center to be located at 4440 East Highway 287. Property contains ± 2.32 acres and is zoned Commercial (C) District, and is generally located south of Hwy 287, and ± 620 feet west of Presidential Parkway in the City of Midlothian, Texas. (Case No. SUP01-2011-04)

REGULAR AGENDA

- 2011-495 Citizens to be heard
- 2011-496 Consider and act upon authorizing Amendment No. Five to the agreement for Construction Manager at Risk Services for Water Treatment Plant No. 2 with Garney Companies, Inc. to award an additional portion of the Bid Set One packages in a total amount not to exceed \$1,286,694
- 2011-497 Consider and act upon a bid award to American Sports and Concrete, LLC, of Houston, Texas for the renovation of the tennis courts at the Midlothian Sports Complex in an amount not to exceed \$42,661
- 2011-498 Consider and act upon an ordinance amending the Health and Sanitation Ordinance 2000-53 by implementing Performance Based Inspections; increasing Food Establishment Fees; increasing Reinspection Fees; require posting of food establishment health scores and require food handler training and food handler cards for employees and providing a penalty and severability clause and establishing an effective date
- 2011-499 Consider and act upon a contract with Bureau Veritas for food establishment inspection services
- 2011-500 Consider and act upon an ordinance repealing Ordinance 92-12 in its entirety and establishing an ordinance adopting garage sales; definitions; number of garage sales permitted annually; sale hours; obstruction of public right-of-way; regulations; providing a penalty and severability clause and establishing an effective date
- 2011-501 Consider and act upon an ordinance of the City of Midlothian, Texas amending Ordinance 86-33, Ordinance 2005-29, and Ordinance 2007-36, changing the caption of the ordinance to include overgrown vegetation, rubbish and other unsanitary matter prohibited; declaring all grass, weeds, vegetation or brush not regularly cultivated and which exceeds 12 inches in height to be objectionable , unsightly and unsanitary and declared a public nuisance; providing an exemption for properties over five (5) acres in size; establishing a provision for acceptable fire break as deemed appropriate by Fire Department or Code Official; provide posting of notice by placard or stake; providing an administrative charge for abatement expenses; expand unlawful activities enumerated; expand nuisances and nuisance conditions; allow for posting of notices for abatement orders; allow for hearing after abatement by the director or his designee and providing a penalty and severability clause and establishing an effective date
- 2011-502 Consider and act upon amending Ordinance 2009-11 by amending Article 12 to include Definition of Play Vehicles, adding sections to address Bicycles and Play Vehicles on Sidewalks and City Improvements, Signage, and Yielding Right-of-Way; providing a penalty and severability clause and establishing an effective date
- 2011-503 Consider and act on a resolution authorizing the City Manager to accept, reject, or terminate a Homeland Security Grant Program - Citizen Corps Program intended to purchase equipment for the Midlothian Citizen's Emergency Response Team
- 2011-504 Consider and act upon a resolution authorizing the City Manager to accept, reject, alter or terminate an OOG Grant Application #2461001 to assist with the replacement of audio/video equipment in the Midlothian Police Department's patrol fleet
- 2011-505 Consider and act upon a resolution authorizing the City Manager to accept, reject, alter or terminate a Homeland Security Grant Program – State Homeland Security Program award for interoperable radio equipment

- 2011-506 Consider and act upon a License Agreement with the Mountain Peak Special Utility District (SUD) that will permit the City to utilize the District's newest elevated water tower at 1521 Tower Road for a remote receiving site as part of the NEED Center upgraded communications infrastructure

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
10. Section 551.074 Personnel Matters: (a)(1) City Manager annual evaluation

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

- 2011-507 Action resulting from Executive Session, Item #1: Randall Denton, et al
- 2011-508 Action resulting from Executive Session, Item #2: Texas Central Business Lines
- 2011-509 Action resulting from Executive Session, Item #3: Holnam
- 2011-510 Action resulting from Executive Session, Item #4: Economic Development
- 2011-511 Action resulting from Executive Session, Item #5: ECOM
- 2011-512 Action resulting from Executive Session, Item #6: Corgan
- 2011-513 Action resulting from Executive Session, Item #7: Personnel – Economic Development Executive Director
- 2011-514 Action resulting from Executive Session, Item #8: Real Estate
- 2011-515 Action resulting from Executive Session, Item #9: Real Estate
- 2011-516 Action resulting from Executive Session, Item #10: Personnel
- 2011-517 Action resulting from Executive Session related to Section 551.071(2)

2011-518 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 December, 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.**