

**NOTICE OF A REGULAR MEETING  
OF THE GOVERNING BODY  
OF THE CITY OF MIDLOTHIAN, TEXAS  
Tuesday, November 27, 2012  
6:00 p.m.**

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**

Call to Order, Invocation and Pledge of Allegiance

2012-440 Announcements/Presentations

- a. Community Affairs calendar
- b. Loop 9 presentation by NCTCOG representative
- 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.*

2012-441 Consider and act upon minutes from City Council meetings of November 5 and 13, 2012

2012-442 Consider and act upon approval of a resolution authorizing the Ellis County Toy Run Motorcycle Parade. The event will be hosted by the Gryphon Motorcycle Club of Ellis County on Sunday, December 9, 2012, in accordance with zoning requirements for Special Events as established by the City of Midlothian Zoning Ordinance 89-13, as amended, Section 4.4 (Use Table) (Case No. RES05-2012-22)

**PUBLIC HEARINGS**

2012-443 Conduct a public hearing and act upon an ordinance regarding amendments to the City of Midlothian Comprehensive Plan Ordinance 2007-15, as amended, specifically to amend by adding and revising certain road segments on the Thoroughfare Plan Map, including but not limited to: (1) The reclassification of 14<sup>th</sup> Street, (2) The deletion of the extension of West Highland Road, (3) The deletion of Dove Drive, (4) The deletion of Bluebird Lane, (5) The deletion of an unnamed Minor Collector, and (6) The realignment of West Highland Road and Maggie Lane; or any other revisions or deletions; providing a severability clause; and providing an effective date (Case No. CP01-2012-04)

**REGULAR AGENDA**

2012-444 Citizens to be heard

2012-445 Receive an update on various City Board and Commission meetings and activities

2012-446 Consider and act upon a thirty-six (36) month fair market value lease with Dell Computers for 11 laptops and 29 desktops. The lease is part of the City's computer replacement program as approved in the Capital Equipment Program and the FY 2012-2013 Budget

2012-447 Consider and act upon a contract with Knight Security to install the Video and Door Security system at Water Treatment Plant 2 and integrate with the City's existing Door and Video Security System in the amount of \$82,307.15

- 2012-448 Consider and act upon awarding a contract with AA Applicators of Dallas, Texas, for the repair of the City Hall roof in an amount not to exceed \$38,650
- 2012-449 Consider and act upon authorizing the City Manager to execute a contract with Siemens Industry, Inc. for supplying the necessary equipment, chemicals, preventative maintenance and monitoring services for the generation of chlorine dioxide which will be used in the treatment process at Water Treatment Plant No. 2
- 2012-450 Consider and act upon a resolution approving an expenditure of funds in an amount not to exceed twenty thousand and 00/100 (\$20,000.00) dollars, to be awarded by the Midlothian Community Development Corporation (MCDC or 4B) to the City of Midlothian to fund improvements at the Midlothian Conference Center
- 2012-451 Consider and act upon an ordinance amending the FY 2012-2013 General Fund budget appropriations in the amount of \$66,518 from the General Fund unreserved fund balance for expenditures encumbered but not yet expended from the FY 2011-2012 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
- 2012-452 Consider and act upon an ordinance amending the FY 2012-2013 Utility Fund budget appropriations in the amount of \$30,788.52 from the Utility Fund unreserved fund balance for expenditures encumbered but not yet expended from the FY 2011-2012 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
- 2012-453 Consider and act upon an ordinance amending the FY 2012-2013 General Fund budget appropriations in the amount of \$76,159 from the General Fund unreserved fund balance for expenditures not encumbered nor expended from the FY 2011-2012 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
- 2012-454 Consider and act upon an ordinance amending the FY 2012-2013 Utility Fund budget appropriations in the amount of \$505,094 from the Utility Fund unreserved fund balance for expenditures not encumbered nor expended from the FY 2011-2012 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
- 2012-455 Consider and act upon a bid award to Circle H Contractors, L.P. for the Overlook Estates – Chapel Creek Drive Extension Project in a total base bid amount not to exceed \$85,195 and Change Order Number One in an additive amount of \$12,205 for a revised total contract amount not to exceed \$97,400
- 2012-456 Consider and act upon authorizing enforcement of Texas Transportation Code Section 545.425 to prohibit the use of wireless communication devices within the City of Midlothian or to restrict the enforcement of this statute to active school zones
- 2012-457 Consider and discuss the fence issue on South Fifth Street and provide staff direction on suggested alternatives
- 2012-458 Consider a partnership with the North Central Texas Council of Government (NCTCOG) to host a CASA WX radar facility and direct staff as necessary to process a Site Questionnaire that will evaluate site feasibility. Pending identification of a suitable Midlothian site, a Host Agreement would be subsequently drafted for City Council action that would provide for a CASA radar site; funding sufficient to install the radar system; internet connectivity of sufficient bandwidth; electric service; and, other terms of understanding with the NCTCOG

## 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).*

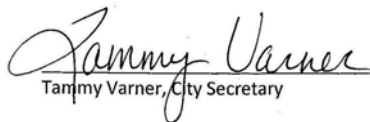
1. Section 551.071 Legal: Consultation with attorney regarding Cause No. 3-07-CV-1351-N, Texas Central Business Lines Corporation v. City of Midlothian
2. Section 551.087 Deliberation regarding economic development negotiations
3. Section 551.072 Real Estate: Deliberate and consider the acquisition of real property and easements necessary for roadway, utility and parks improvement projects
4. 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.
5. Section 551.071 Legal: Consultation with attorney based on an ethical duty to advise regarding potential litigation

*This meeting will be conducted pursuant to the Texas Government Code Section 551.001 et seq. At any time during the meeting the Council reserves the right to adjourn into Executive Session on any of the above posted agenda items in accordance with the Sections 551.071 (litigation and certain consultation with attorney), 551.072 (acquisition of interest in real property), 551.073 (contract for gift to city), 551.074 (certain personnel deliberations) or 551.076 (deployment/implementation of security personnel or devices).*

## REGULAR AGENDA

- 2012-459 Action resulting from Executive Session, Item #1: Texas Central Business Lines
- 2012-460 Action resulting from Executive Session, Item #2: Economic Development
- 2012-461 Action resulting from Executive Session, Item #3: Real Estate
- 2012-462 Action resulting from Executive Session, Item #4: Denton
- 2012-463 Action resulting from Executive Session, Item #5: Contemplated litigation
- 2012-464 Adjourn

I, Tammy Varner, 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 23<sup>rd</sup> day of November, 2012 at or before 5:00 p.m.

  
Tammy Varner, 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.**