

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

**Tuesday, May 28, 2013
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 City Council Chambers at Midlothian City Hall, 104 West Avenue E, Midlothian, Texas

REGULAR AGENDA

Call to Order, Invocation and Pledge of Allegiance

2013-190 Announcements/Presentations

a. Community Affairs calendar

b. Administrative announcements related to personnel

2013-191 Receive quarterly investment report from Linda Patterson & Associates

2013-192 Citizens to be heard

2013-193 Receive an update on various City Board and Commission meetings and activities

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.

2013-194 Consider and act upon minutes from City Council meetings of May 7 and May 14, 2013

2013-195 Consider and act upon a resolution amending the authorized representatives for TexPool and designating investment officers

2013-196 Consider and act upon an Employee Wellness Program Agreement between the City of Midlothian and Methodist Health System and MedHealth for medical evaluation services for the Fire Department.

2013-197 Consider and act upon an amendment to our Medical Control Services Agreement between the City of Midlothian and Dr. Roy Yamada

2013-198 Consider and act upon a resolution authorizing the 5th Annual Victims of Fire 5K Fun Run/Walk hosted by the Midlothian Firefighter's Association scheduled for Saturday, June 8, 2013, 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. RES16-2012-69)

2013-199 Consider and act upon request for approval of Midlothian Economic Development bylaw changes related to corporate name change and the number of board members.

REGULAR AGENDA

2013-200 Consider and act upon approving an agreement between the Midlothian Development Authority and the Midlothian Independent School District regarding the supplemental payments made pursuant to Section 41.010 of the Texas Education Code

2013-201 Consider and act upon a contract from American Ramp Company for the installation of a Skate Park to be located at Hawkins Spring Park in an amount not to exceed \$79,793.17

2013-202 Consider a resolution authorizing the City Attorney, acting on behalf of the City of Midlothian, to institute eminent domain proceedings against David Eugene Gentry and wife, Linda Pauline Todd Gentry, and all other appropriate parties, for the acquisition of a water line and sanitary sewer easement, described as 0.072 acres/3,146 square feet, and two temporary construction easements, described in total as 0.192 acres/8,388 square feet, located in the J.L. Blanton Survey, Abstract No. 1284, Midlothian, Ellis County, Texas, as shown on the attached exhibits, said easements are for public use and in particular and initially for the High School No. 2 Sanitary Sewer Project in the City of Midlothian, Ellis County, Texas, and ordering the condemnations of said properties to proceed. Said parcels are fully described in the proposed resolution.

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).

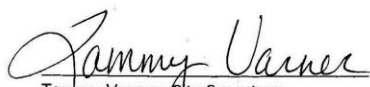
1. Section 551.071 Legal: Consultation with attorney regarding Cause No. 3-07-CV-1351-N, Texas Central Business Lines Corporation v. City of Midlothian
2. Section 551.087 Deliberation regarding economic development negotiations
3. Section 551.072 Real Estate: Deliberate and consider the acquisition of real property and easements
4. 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.
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), 551.076 (deployment/implementation of security personnel or devices) or 551.087 (economic development negotiations).

REGULAR AGENDA

- 2013-203 Action resulting from Executive Session, Item #1: Texas Central Business Lines
2013-204 Action resulting from Executive Session, Item #2: Economic Development
2013-205 Action resulting from Executive Session, Item #3: Real Estate
2013-206 Action resulting from Executive Session, Item #4: ECOM
2013-207 Action resulting from Executive Session, Item #5: Contemplated litigation
2013-208 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 24th day of May, 2013 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.**