

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

Tuesday, March 9, 2010

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

- 2010-66 Announcements/Presentations
- a. Community Affairs calendar
 - b. Draw for order of names on ballot in the May 8, 2010 City Council election
 - c. Proclamation recognizing March as American Red Cross Month
 - d. Proclamation recognizing March for Meals Awareness Month
 - e. Proclamation recognizing March as DeMolay Month
 - f. 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.

- 2010-67 Consider and act upon minutes from City Council meeting of February 23, 2010
- 2010-68 Consider and act upon a Fourth Amended Agreement by and between Kehe Foods, Inc., Ellis County and the City of Midlothian relating to the upcoming arbitration between the parties
- 2010-69 Consider and act upon a resolution approving a grant in the amount of twenty-five thousand and 00/100 (\$25,000.00) dollars, to be awarded by the Midlothian Community Development Corporation (MCDC or 4B) to the City of Midlothian to help fund a community-wide marketing program
- 2010-70 Consider and act upon an Ordinance amending the Corporation for the Economic Development's fiscal year 2009-2010 budget appropriations in an amount not to exceed \$25,000 from the Unreserved Fund Balance to assist in the funding of a community-wide marketing effort, 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
- 2010-71 Consider and act upon changes to the Corporation for Economic Development of Midlothian (4A) Bylaws to reduce total membership from ten to nine; to allow all members to vote; and, to incorporate recent legislative changes and updates
- 2010-72 Consider and act upon a request to fund the completion of a masonry wall along the U.S. Highway 287 Bypass in the Midlothian Meadows V Addition
- 2010-73 Consider and act upon a request authorizing the Midlothian Police Department to apply for funds from the Governor's Criminal Justice Planning Fund (the "421 Fund") and authorizing the City Manager to accept, reject, alter or terminate said grant funds

PUBLIC HEARINGS

- 2010-74 Conduct a public hearing to consider and act upon an ordinance regarding a request to rezone property situated in Original Town, Block 28, Lot 1 from its current Commercial (C) District to a proposed Urban Village Planned Development (UVPD) District for photography studio and general professional/office uses. Property is located at the northwest corner of the intersection of West Main Street and North 6th Street (Case No. OZ01-2009-17)

REGULAR AGENDA

- 2010-75 Citizens to be Heard
- 2010-76 Consider and act upon a resolution approving a grant in the amount of fourteen thousand ninety-nine and 00/100 (\$14,099.00) dollars, initially awarded by the Midlothian Community Development Corporation (MCDC or 4B) to Mission Midlothian to assist in the cost of expansion of recreational facilities and renovation of existing bathroom to meet handicap (ADA) standards at building located at 208 S. 4th Street
- 2010-77 Consider and act upon an ordinance to vacate and abandon a portion of the right-of-way of Mockingbird Lane. Said right-of-way abandonment contains \pm 1.275 acres and is generally located \pm 400 feet east of the intersection of Mockingbird Lane and Walnut Grove Road; declaring that this portion of right-of-way is unnecessary for use by the public; authorizing the Mayor of the City of Midlothian, Texas to execute a Quitclaim Deed releasing public ownership, interest or control of said right-of-way to the abutting fee simple property owner; providing for engrossment and enrollment and providing for an effective date (Case No. ROW01-2009-20)
- 2010-78 Consider and act upon awarding a contract to Stripe-A-Zone Pavement Marking Specialists for Striping and Marking projects throughout the City of Midlothian
- 2010-79 Consider and act upon a contract for the collection of unpaid water, sewer and refuse accounts by the American Municipal Services (AMS) collection agency
- 2010-80 Consider and act upon an Interlocal Cooperative Purchasing Agreement with Dallas County, in the State of Texas
- 2010-81 Consider and discuss Foreign Trade Zone 113 Application for Alternative Site Format designation and direct staff as necessary

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. 75885, City of Midlothian v. Randall Denton and Musket Corporation, pursuant to attorney's ethical duty to advise City regarding such matters
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 regarding Cause No. 67202, Midlothian v. Texas Central Business Lines Corporation, et al, pursuant to attorney's ethical duty to advise City regarding such matters
4. Section 551.072 Real Estate: Deliberate and consider the acquisition of real property necessary for roadway and parks improvement projects

5. Section 551.071 Legal: Consultation with attorney regarding Cause No. 68846, ECOM Real Estate Management, Inc. v. City of Midlothian
6. Section 551.071 Legal: Consultation with attorney regarding Cause No. 08-C-3999, Ken Chambers v. Boyce Whatley, Steve Massey, Joe Frizzell and the City of Midlothian, pursuant to attorney's ethical duty to advise City regarding such matters

REGULAR AGENDA

- 2010-82 Action resulting from Executive Session, Item #1: Randall Denton, Cause No. 75885
- 2010-83 Action resulting from Executive Session, Item #2: TCBL, Cause No. 3-07-CV-1351-N
- 2010-84 Action resulting from Executive Session, Item #3: TCBL, Cause No. 67202
- 2010-85 Action resulting from Executive Session, Item #4: Acquisition of real property
- 2010-86 Action resulting from Executive Session, Item #5: ECOM
- 2010-87 Action resulting from Executive Session, Item #6: Ken Chambers
- 2010-88 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 5th day of March, 2010 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.**