

**NOTICE OF A REGULAR MEETING
OF THE GOVERNING BODY
OF THE CITY OF MIDLOTHIAN, TEXAS
Tuesday, March 23, 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

- 2010-89 Announcements/Presentations
- a. Community Affairs calendar
 - b. Present Certificates of Achievement to winners of Walnut Grove Middle School writing contest
 - 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.

- 2010-90 Consider and act upon minutes from City Council meeting of March 9, 2010
- 2010-91 Consider and act upon a resolution authorizing the annual Spring Fling Arts & Crafts Fair at Heritage Park, including the temporary closure of W. Avenue F (between N. 8th Street and Plaza Drive). This event is hosted by the Midlothian Chamber of Commerce and scheduled for Saturday, April 24, 2010, in accordance with the zoning requirements for this type of event, as established by the City of Midlothian Zoning Ordinance 89-13, as amended, Section 4.4 (Case No. RES05-2009-19)
- 2010-92 Consider and act upon a resolution authorizing the Love to Eat and Run. The 5K run will be hosted by the Midlothian Independent School District Education Foundation and is scheduled for Saturday, April 17, 2010, 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. RES06-2009-23)
- 2010-93 Consider and act upon a resolution authorizing the annual “Head for the Hills” Bicycle Rally routed through the City of Midlothian and hosted by the Cedar Hill Rotary Club on Saturday, May 8, 2010, in accordance with zoning requirements for this type of event as established by the City of Midlothian Zoning Ordinance 89-13, as amended, Section 4.4 (Case No. RES07-2009-25)
- 2010-94 Consider and act upon a resolution authorizing a parade to be hosted by the Midlothian Amateur Baseball and Girls Softball Association, Inc. on Saturday, March 27, 2010, 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. RES08-2009-26)
- 2010-95 Consider and act upon a resolution of the City of Midlothian, Texas, endorsing certain legislative changes relating to the sunset review of the Texas Public Utility Commission and the special purpose review of the Electric Reliability Council of Texas
- 2010-96 Consider and act upon authorizing the auction of miscellaneous equipment through Rene Bates, Inc., an online auction service

REGULAR AGENDA

- 2010-97 Citizens to be Heard
- 2010-98 Consider and act upon an Ordinance of the City of Midlothian, Texas (“City”) amending the street rental fee for HILCO Electric Cooperative, Inc., from 2% to 3%, based on HILCO’s voluntary acceptance of said increase; and including repealer and severability clauses and setting an effective date
- 2010-99 Receive a report from staff regarding the status on the design and construction of Water Treatment Plant #2
- 2010-100 Consider and act upon Modification No. 1 to an Engineering Services Agreement for design and related professional service for North 9th Street Waterline Extension and Railroad Crossing Permit for Contractor’s Right of Entry Agreement for Union Pacific Railroad Company with Schrickel, Rollins and Associates, Inc. (SRA), in an amount not to exceed \$10,000

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

- 2010-101 Action resulting from Executive Session, Item #1: Randall Denton, Cause No. 75885
- 2010-102 Action resulting from Executive Session, Item #2: TCBL, Cause No. 3-07-CV-1351-N
- 2010-103 Action resulting from Executive Session, Item #3: TCBL, Cause No. 67202
- 2010-104 Action resulting from Executive Session, Item #4: Acquisition of real property
- 2010-105 Action resulting from Executive Session, Item #5: ECOM
- 2010-106 Action resulting from Executive Session, Item #6: Ken Chambers
- 2010-107 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 19th 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.**