

**NOTICE OF A REGULAR MEETING
OF THE GOVERNING BODY
OF THE CITY OF MIDLOTHIAN, TEXAS
Tuesday, May 11, 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

- 2010-134 Announcements/Presentations
- a. Canvass votes from City Council Election of May 8, 2010
 - b. Administer Oath of Office
 - c. Elect Mayor pro tem
 - d. Motorcycle Safety proclamation
 - e. Community Affairs calendar
 - 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.

- 2010-135 Consider and act upon minutes from City Council meeting of April 27, 2010.
- 2010-136 Consider and act upon a Resolution authorizing a Downtown Street Dance, presented by the City of Midlothian Parks and Recreation Department, the City of Midlothian Municipal Park Board and Wal-Mart Stores, Inc. on Saturday, May 22, 2010 in accordance with zoning requirements established for City events requiring street closure (Case Number RES12-2009-40)
- 2010-137 Consider and act upon approval of an amended Cooperative Purchasing Agreement with the City of Brenham

REGULAR AGENDA

- 2010-138 Consider and act upon adoption of the FY 2011-2015 Strategic Plan as a planning document for the City of Midlothian to include personnel and capital equipment for the General Fund and Utility Fund
- 2010-139 Consider and act upon a proposed settlement agreement and release concerning the resolution of disputed recapture of funds abated pursuant to that certain Tax Abatement Agreement between the City of Midlothian and Kehe Food Distributors, Inc.
- 2010-140 Consider and act upon a Resolution adopting Guidelines and Criteria for Tax Abatement under Texas Tax Code Chapter 312

PUBLIC HEARINGS

- 2010-141 Conduct a public hearing to consider designating all or a portion of Lot 7, Block 1, RailPort Business Park Addition as RailPort Commercial-Industrial Tax Abatement Reinvestment Zone Number 5 (48.84 acres)

REGULAR AGENDA

- 2010-142 Citizens to be Heard

- 2010-143 Consider and act upon an Ordinance designating all or a portion of Lot 7, Block 1, of the RailPort Business Park Addition as RailPort Commercial-Industrial Tax Abatement Reinvestment Zone Number 5 (48.84 acres)
- 2010-144 Consider and act upon a Resolution approving a proposed tax abatement agreement with Quik N Tasty Foods, Inc., for property located in RailPort Commercial-Industrial Tax Abatement Reinvestment Zone Number 5, on RailPort Parkway in the City of Midlothian
- 2010-145 Consider and act upon a request for approval of (consent to) a proposed tax abatement agreement between Ellis County and Quik N Tasty Foods, Inc. for property located on RailPort Parkway in RailPort Commercial-Industrial Tax Abatement Reinvestment Zone Number 5 and Tax Increment Reinvestment Zone Number Two, City of Midlothian
- 2010-146 Consider and act upon a request for approval of a proposed economic development loan and performance agreement between the Corporation for the Economic Development of Midlothian and Quik N Tasty Foods, Inc. for property located at 4200 RailPort parkway in RailPort Commercial-Industrial Tax Abatement Reinvestment Zone Number 5 and Tax Increment Reinvestment Zone Number Two, City of Midlothian
- 2010-147 Consider and act upon a resolution authorizing the City of Midlothian to consider Ash Grove Texas, L.P. as an enterprise project pursuant to Chapter 2303, Subchapter F of the Texas Enterprise Zone Act, Texas Government Code (the "Act"), and Ash Grove Texas, L.P. is a "qualified business", as defined in Section 2303.402 of the Act, and meets the criteria for designation as an enterprise project, as set forth in Section 2303, Subchapter F of the Act. (Case Number RES13-2009-41)
- 2010-148 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

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. 71-181-00458-08, City of Midlothian and County of Ellis v. Kehe Foods
2. Section 551.087 Deliberation regarding economic development negotiations
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 551.071 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
5. Section 551.071 Legal: Consultation with attorney regarding Cause No. 3-07-CV-1351-N, Texas Central Business Lines Corporation v. City of Midlothian
6. Section 551.072 Real Estate: Deliberate and consider the acquisition of real property necessary for roadway and parks improvement projects
7. Section 551.074(a)1 Personnel Matters: to deliberate the Municipal Court Judge position
8. Section 551.071 Consultation with Attorney regarding threatened litigation and claim by
(1) (a) and (2) Jeff Smith regarding municipal court personnel

REGULAR AGENDA

- 2010-149 Action resulting from Executive Session, Item #1: Kehe Foods
- 2010-150 Action resulting from Executive Session, Item #2: Economic development negotiations
- 2010-151 Action resulting from Executive Session, Item #3: Cause No. 67202, TCBL
- 2010-152 Action resulting from Executive Session, Item #4: Cause No. 75885, Randall Denton
- 2010-153 Action resulting from Executive Session, Item #5: Cause No. 3-07-CV-1351-N, TCBL
- 2010-154 Action resulting from Executive Session, Item #6: Real Estate/Roadway and Parks
- 2010-155 Action resulting from Executive Session, Item #7: Personnel
- 2010-156 Action resulting from Executive Session, Item #8: Complaint of Jeff Smith regarding municipal court personnel
- 2010-157 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 7th day of May, 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.**