

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

**Tuesday, June 26, 2012**

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

2012-233 Announcements/Presentations

- a. Community Affairs calendar
- b. Proclamation recognizing July as Park and Recreation Month
- 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.*

2012-234 Consider and act upon minutes from City Council meetings of June 12 and June 18, 2012

2012-235 Consider and take action upon a resolution to approve the City of Midlothian, the Corporation for the Economic Development of Midlothian (CEDM), the Midlothian Community Development Corporation (MCDC), and the Midlothian Development Authority's (MDA) Investment Policies

**PUBLIC HEARINGS**

2012-236 Conduct a public hearing to consider and act upon an ordinance for a Specific Use Permit (SUP), to allow a truck tire shop on property zoned Commercial (C) District. Property is addressed 1501 W. Highway 287, containing ± 6.360 acres and is located north of W. Highway 287 and west of US Highway 67, in the City of Midlothian, Texas (Case No .SUP04-2011-47)

**REGULAR AGENDA**

2012-237 Citizens to be heard

2012-238 Receive an update on various City Board and Commission meetings and activities

2012-239 Consider and act upon a resolution authorizing the use of a temporary concrete batch plant in Meadows at Longbranch, Phase 4, for the purpose of developing a new subdivision of single-family homes, including streets, within a residential district and providing for procedures established by the Texas Local Government Code and City ordinance; providing for conditions and exemptions; and setting an effective date and termination date (Case No. RES17-2011-58)

2012-240 Receive an update on an ordinance amending Section 7.4-8.3 (Signs Located in the General Professional (GP), Community Retail (CR) or Commercial (C) District), incorporating changes to various, articles, sections and subsections; providing a conflicts clause; providing a severability clause, and providing for an effective date (Case No. OZ03-2011-60)

2012-241 Consider and act upon the proposed Strategic Guide (Capital Projects), a long-range planning document to be utilized by City of Midlothian staff, boards and commissions to assist with decision-making (Case No. M07-2011-44)

2012-242 Consider and act upon an ordinance to repeal Ordinance No. 2005-59 and approve adopting the 2009 editions of the International Building Code, the International Mechanical Code, the International Plumbing Code, the International Residential Code for one-and two-family dwellings, the International Energy Code, the International Fuel and Gas Code, the International Existing Building Code, including amendments to any of the aforementioned Codes; the 2011 National Electric Code including amendments; and the North Central Texas Council of Governments (COG) amendments; violations declared a nuisance; providing that this ordinance shall be cumulative of all ordinances; providing for a cumulative effect; providing for a repealer clause; providing for a penalty that any violation of the terms of this ordinance and any of said code is further declared to be a misdemeanor, and any person found to be guilty thereof shall be punishable by a fine not to exceed one thousand dollars (\$1,000), and each day that such day violation continues shall constitute a separate offense and shall be punishable accordingly; providing for a severability clause; and providing for an effective date

2012-243 Consider and act upon an ordinance adopting the 2009 edition of the International Fire Code; amending certain sections; establishing districts in which the storage of certain hazardous materials is restricted or prohibited; appeals; providing for a penalty that any violation of the terms of this ordinance and any of said Code is further declared to be a misdemeanor, and any person found to be guilty thereof shall be punishable by a fine not to exceed \$1,000, and each day that such violation continues shall constitute a separate offense and shall be punishable accordingly; application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions; repealing Ordinance 2005-60 and any other ordinances or parts of ordinances in conflict with this Ordinance; severability; and declaring 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. 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 necessary for roadway 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 regarding contemplated litigation (construction contract)
6. 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

- 2012-244 Action resulting from Executive Session, Item #1: Texas Central Business Lines
- 2012-245 Action resulting from Executive Session, Item #2: Economic Development
- 2012-246 Action resulting from Executive Session, Item #3: Real Estate
- 2012-247 Action resulting from Executive Session, Item #4: Denton
- 2012-248 Action resulting from Executive Session, Item #5: Contemplated litigation (construction)
- 2012-249 Action resulting from Executive Session, Item #6: Contemplated litigation
- 2012-250 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 22<sup>nd</sup> day of June, 2012 at or before 5:00 p.m.

  
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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.**