

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

June 23, 2009

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

WORKSHOP – 5:15 PM

- 2009-213 Discuss issues related to the regulation of wind turbines and windmills used for the generation of electrical power
- 2009-214 Discuss issues related to agenda items on the June 23, 2009 meeting agenda of the City Council

REGULAR AGENDA -6:00 PM

Call to Order, Invocation and Pledge of Allegiance

2009-215 Citizens to be Heard

2009-216 Announcements/Presentations

1. City Council/City Manager
 - a. Community Affairs calendar
 - b. 2009 Summer Youth Program Presentation
 - 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.

2009-217 Consider and act upon minutes from City Council meetings of June 9, 2009

PUBLIC HEARINGS AND REGULAR AGENDA

2009-218 Conduct a public hearing and act upon a Specific Use Permit (SUP) request to allow a restaurant at 4470 E. Hwy. 287, Suite 100. Property is currently zoned Commercial (C) District, and is a suite located in the Presidential Plaza out of the Walnut Grove Center South, Block 1, Lot 2R, and generally located south of E. Hwy 287 and ± 1,700 feet east of Bryan Place, in the City of Midlothian, Texas; containing ± 3.34 acres in the Walnut Grove Center South, Block 1, Lot 2R, and generally located south of E. Hwy 287 and ± 1,700 feet east of Bryan Place, in the City of Midlothian, Texas (SUP03-2008-30)

REGULAR AGENDA

- 2009-219 Consider and act upon a Professional Services Agreement with V&A Consulting Engineers of Oakland, California to provide a GPS locating and assessment report of City sanitary sewer manholes in an amount not to exceed \$65,000
- 2009-220 Consider and take action to authorize the City Manager to make a salary offer that is beyond the second quartile to a potential job candidate for the Information Technology (IT) Manager position, not to exceed \$83,369.00 (beginning of fourth quartile)

- 2009-221 Consider and act upon an ordinance amending the City of Midlothian's Fiscal Year 2008-2009 General Fund Budget Appropriations in an amount not to exceed \$198,000.00 from the Unreserved Fund Balance for priority capital projects relating to public safety and priority roadway improvements 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
- 2009-222 Consider and act upon an Ordinance repealing Ordinance No.'s 330, 397, 398, 86-29, 86-30, 86-32, 86-44, 86-45, 86-46, 88-15, 95-15, 96-11, 98-08, 98-84, 98-85, 2006-38, 2008-15, 2008-34 and 2008-46 and establishing new school speed zones as described in the "TABLE OF SCHOOL SPEED ZONES" (ATTACHED as EXHIBIT A); postings and/or signalization shall set maximum speed and hours of enforcement; authorizing erection of appropriate signs; providing for a cumulative effect; providing for a penalty; providing for a severability clause; and setting an effective date
- 2009-223 Consider and act upon a bid award for the replacement of the South Outfall Sanitary Sewer Main to Circle H Contractors, L.P. in an amount not to exceed \$1,332,889.15

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: Deliberation regarding condemnation of real property for U.S. Highway 67 grade separation project
5. Section 551.072 Real Estate: Deliberate and consider the acquisition of real property necessary for utility, roadway and parks improvement projects

REGULAR AGENDA

- 2009-224 Action resulting from Executive Session, Item #1: Randall Denton, Cause No. 75885
- 2009-225 Action resulting from Executive Session, Item #2: TCBL, Cause No. 3-07-CV-1351-N
- 2009-226 Action resulting from Executive Session, Item #3: TCBL, Cause No. 67202
- 2009-227 Action resulting from Executive Session, Item #4: Highway 67
- 2009-228 Action resulting from Executive Session, Item #5, Utility, Roadway and Parks Projects
- 2009-229 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 June, 2009, 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.**