

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

**April 28, 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

**REGULAR AGENDA - 6:00 PM**

Call to Order, Invocation and Pledge of Allegiance

2009-138 Citizens to be Heard

2009-139 Announcements/Presentations

1. City Council/City Manager
  - a. Community Affairs/Calendar
  - b. Child Abuse Prevention Month Proclamation
  - c. Recognition of Water Treatment Plant staff for receipt of Top Ops award
  - d. 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.*

2009-140 Consider and act upon minutes from City Council meeting of April 14, 2009

2009-141 Consider and act upon a Resolution authorizing the annual Spring Fling Arts & Crafts Fair and the temporary closure of West Avenue F (between North 8<sup>th</sup> Street and the railroad tracks), an event hosted by the Midlothian Chamber of Commerce and scheduled for Saturday, May 2, 2009, in accordance with zoning requirements for this type of event as established by Section 4.4 of Ordinance 89-13 as amended, the City of Midlothian Zoning Ordinance (Case No. RES07-2008-29)

2009-142 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 9, 2009, 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. RES06-2008-28)

**PUBLIC HEARINGS and REGULAR AGENDA**

2009-143 Conduct a public hearing to consider and act upon an ordinance to amend the City of Midlothian Zoning Ordinance 89-13, as amended, to consider amending Article VII, Section 7.8 (Masonry Regulations) and, any other corresponding deletions or changes to various sections and subsections; providing a conflicts clause; providing a severability clause, and providing for an effective date. Said amendments are primarily designed to allow cementitious fiberboard material in certain cases and to exempt certain uses in the Agricultural (A) District from the masonry requirements (Case No. OZ05-2008-21)

## REGULAR AGENDA

- 2009-144 Receive bids and take action to award the sale of bonds, or reject all bids, for the City of Midlothian General Obligation Refunding Bonds, Series 2009
- 2009-145 Consider and act upon an ordinance authorizing the issuance and sale of City of Midlothian, Texas General Obligation Refunding Bonds, Series 2009; and ordaining other matters related thereto, including immediate effectiveness
- 2009-146 Consider and act upon a bid award for the High Service Pump Station for Water Treatment Plant No. 2 to Gracon Construction, Inc. in an amount not to exceed \$3,591,000
- 2009-147 Consider and act upon a bid award for the 3 Million Gallon Concrete Tank for Water Treatment Plant No. 2 to Preload, Inc. in an amount not to exceed \$1,660,923
- 2009-148 Consider and act upon a proposed economic development agreement between the Corporation for the Economic Development of Midlothian and Navarro College whereby the 4A will provide Navarro College a 20-year forgivable loan in the amount of \$1,500,000 for the construction of Building II at the Midlothian Campus and provide workforce training for Midlothian companies at the Midlothian Campus

## 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 551.074 Personnel Matters: (a)(1) to deliberate the annual performance evaluation of the City Manager and City Secretary
5. Section 551.072 Real Estate: Deliberate and consider the acquisition of real property necessary for utility, roadway and parks improvement projects
6. Section 551.071 Legal: Consultation with attorney regarding Cause No. 07-C-3025, Ken Halverson v. City of Waxahachie, City of Midlothian, and Midlothian-Waxahachie Airport Board

## REGULAR AGENDA

- 2009-149 Action resulting from Executive Session, Item #1: Randall Denton
- 2009-150 Action resulting from Executive Session, Item #2: TCBL, Cause No. 3-07-CV-1351-N
- 2009-151 Action resulting from Executive Session, Item #3: TCBL, Cause No. 67202
- 2009-152 Action resulting from Executive Session, Item #4: Performance evaluations
- 2009-153 Action resulting from Executive Session, Item #5, Utility, Roadway and Parks Projects
- 2009-154 Action resulting from Executive Session, Item #6, Halverson

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 24<sup>th</sup> day of April, 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.**