

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

**May 26, 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

2009-175 Citizens to be Heard

2009-176 Announcements/Presentations

1. City Council/City Manager

a. Community Affairs calendar

b. 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.*

2009-177 Consider and act upon minutes from City Council meetings of April 28, May 12 and May 18, 2009

**PUBLIC HEARINGS and REGULAR AGENDA**

2009-178 Consider and act upon an ordinance to amend the City of Midlothian Zoning Ordinance 89-13, as amended, adding an Overlay District Section to Article VI 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

2009-179 Conduct a public hearing to consider and act upon an ordinance to amend the City of Midlothian Zoning Ordinance 89-13, as amended, amending Article III, Section 3.1 (Definitions), Article IV, Section 4.4 (Use Table), and creating Section 7.9, (Zoning Board of Adjustments (ZBA) Special Exceptions) 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. This amendment is primarily designed to regulate small domestic wind energy systems

**REGULAR AGENDA**

2009-180 Consider and act upon awarding a contract to American Eagle Tree Services, Inc. of Fort Worth, Texas for City-wide Tree and Brush Trimming and Disposal

2009-181 Consider and act upon an ordinance to establish a violation for any property owner to fail to abate graffiti after receiving notice; provide for the City to abate graffiti on private property and collect for the costs of the abatement; providing a conflicts clause; providing a severability clause, and providing an effective date

2009-182 Consider and act upon a request authorizing the Midlothian Police Department to apply for funds from the Edward Byrne Memorial Justice Assistance Grant and authorizing the City Manager to accept, reject, alter or terminate said Grant

2009-183 Consider and take action on an Interlocal Agreement between the City of Red Oak and the City of Midlothian, Texas to authorize Midlothian to provide 9-1-1 communication and dispatch services to Red Oak.

- 2009-184 Consider and act upon a request to purchase 4 Synergy Full Lift / Linear Lift Consoles from Watson Furniture Group. Purchase will be made using Interlocal Purchase Agreement with Best Southwest Cities for a total package price of \$43,731.60

### 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
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

- 2009-185 Action resulting from Executive Session, Item #1: Randall Denton
- 2009-186 Action resulting from Executive Session, Item #2: TCBL, Cause No. 3-07-CV-1351-N
- 2009-187 Action resulting from Executive Session, Item #3: TCBL, Cause No. 67202
- 2009-188 Action resulting from Executive Session, Item #4: Highway 67
- 2009-189 Action resulting from Executive Session, Item #5, Utility, Roadway and Parks Projects
- 2009-190 Action resulting from Executive Session, Item #6, Ken Halverson
- 2009-191 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 May, 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.**