

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

September 22, 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

2009-343 Citizens to be Heard

2009-344 Announcements/Presentations

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.

2009-345 Consider and act upon minutes from City Council meeting of September 8, 2009

2009-346 Consider and act upon a resolution authorizing the Midlothian Chamber of Commerce Fall Festival/Christelle Moser Memorial 5K Run/Walk, an event hosted by the Midlothian Chamber of Commerce and scheduled for Saturday, October 10, 2009, in accordance with a Special Event Permit as established by the City of Midlothian Zoning Ordinance 89-13 as amended, Section 4.4 (Case No. RES11-2008-51)

2009-347 Consider and act upon a resolution authorizing a Summer Concert, presented and hosted by the City of Midlothian Parks and Recreation Department and the City of Midlothian Parks Advisory Board on Saturday September 26, 2009, in accordance with zoning requirements established for City events requiring street closure (Case No. RES12-2008-53)

2009-348 Consider and act upon a resolution authorizing the Midlothian Independent School District 2009 Homecoming Parade, an event hosted by the Midlothian Independent School District and scheduled for Friday, October 2, 2009, in accordance with a Special Event Permit as established by the City of Midlothian Zoning Ordinance 89-13 as amended, Section 4.4 (Case No. RES13-2008-57)

2009-349 Consider and act upon an ordinance granting a building encroachment and maintenance easement from Midlothian Addition #2 Block 1, Lot 3 (Navarro College) onto Midlothian Addition #2 Block 1, Lot 2 (Midlothian Conference Center) of approximately 614 square feet. Property is generally located east of 14th Street and south of US Hwy 287 in the City of Midlothian, Ellis County, Texas (Case No. M10-2008-50)

2009-350 Consider and act upon an ordinance granting a right-of-way encroachment onto the eastbound service road of U.S. Highway 287 for Navarro College to place a sign within said right-of-way. Property is generally located east of 14th Street and south of US Hwy 287 in the City of Midlothian, Ellis County, Texas (Case No. M12-2008-55)

2009-351 Consider and act upon an ordinance granting abandonment of an existing utility/building maintenance easement and rededication of a new building/utility maintenance easement within Midlothian Addition #2 Block 1, Lots 2 & 3. Property is generally located east of 14th Street and south of US Hwy 287 in the City of Midlothian, Ellis County, Texas (Case No. M13-2008-56)

2009-352 Consider and act upon authorizing a bid award to Terra Renewal, Inc. for sludge removal at the water treatment plant, in an amount not to exceed \$45,000

PUBLIC HEARINGS

2009-353 Conduct a public hearing to consider and act upon a Specific Use Permit (SUP) request to allow cabinet shop at 460 Proffitt Street. Property is zoned Light Industrial (LI) District, and generally located north of East Main Street and east of Proffitt Street, in the City of Midlothian (Case No. SUP05-2008-52)

REGULAR AGENDA

2009-354 Consider and take action to approve the purchase of wireless communications equipment and associated video and intercom components from JTS in an amount not to exceed \$167,000 to provide security for all existing water treatment and distribution facilities and the Municipal Court

2009-355 Consider and act upon a Resolution authorizing the City Attorney, acting on behalf of the City of Midlothian, to institute eminent domain proceedings against Richard Miskimon and wife, Sheri Miskimon, for acquisition of 1.1812 acre tract of land situated in the John Chamblee Survey, Abstract No. 192, Ellis County, Texas. Said property to be acquired is fully described in the proposed Resolution

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

REGULAR AGENDA

2009-356 Action resulting from Executive Session, Item #1: Randall Denton, Cause No. 75885

2009-357 Action resulting from Executive Session, Item #2: TCBL, Cause No. 3-07-CV-1351-N

2009-358 Action resulting from Executive Session, Item #3: TCBL, Cause No. 67202

2009-359 Action resulting from Executive Session, Item #4: Highway 67

2009-360 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 18th day of September, 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.**