

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

**October 27, 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

2009-391 Citizens to be Heard

2009-392 Announcements/Presentations

- a. Community Affairs calendar
- b. Texans Against Breast Cancer Proclamation
- c. Midlothian Middle School Problem Solvers Presentation
- d. Administrative Announcements related to personnel

**WORKSHOP**

2009-393 Consider and discuss U.S. Highway 287 Connector Project and direct staff as necessary

**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.*

2009-394 Consider and act upon minutes from City Council meetings of October 6 and 13, 2009

2009-395 Consider and act upon a resolution authorizing the Mayor to approve the name "Ridgeview Park" for the public land located at 750 Walter Stephenson Road in accordance with (Resolution No. 2007-003) the City of Midlothian's Policy for Naming Parks and Recreational Facilities; Plaques and Markers; and providing an effective date.

2009-396 Consider and act upon Modification No. 1 to an Engineering Services Agreement for design and related professional services for replacement of the South Outfall Sanitary Sewer with Schrickel, Rollins and Associates, Inc. (SRA), in an amount not to exceed \$13,000

2009-397 Consider and act upon a Third Amended Agreement by and between Kehe Foods, Inc., Ellis County and the City of Midlothian relating to the upcoming arbitration between the parties

**PUBLIC HEARINGS**

2009-398 Continue a public hearing to consider and act upon an ordinance amending the City of Midlothian Comprehensive Plan Ordinance 2007-15, as amended, adding Section 13 (Sustainable Development), 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 (Case No. CP02-2008-40)

- 2009-399 Conduct a public hearing and act upon a Specific Use Permit (SUP) request to allow an automotive repair shop at 418 W. Main Street. Property is zoned Commercial (C) District, containing ± 0.158 acres, and generally located at the southeast intersection of W. Main St. and S. 5<sup>th</sup> Street, in the City of Midlothian

#### REGULAR AGENDA

- 2009-400 Consider and act upon a resolution authorizing the execution of the Energy Efficiency and Conversation Block Grant (EECBG) Program allocation of \$50,000 under the American Recovery and Reinvestment Act (ARRA)

#### 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: Deliberate and consider the acquisition of real property necessary for roadway and parks improvement projects

#### REGULAR AGENDA

- 2009-401 Action resulting from Executive Session, Item #1: Randall Denton, Cause No. 75885
- 2009-402 Action resulting from Executive Session, Item #2: TCBL, Cause No. 3-07-CV-1351-N
- 2009-403 Action resulting from Executive Session, Item #3: TCBL, Cause No. 67202
- 2009-404 Action resulting from Executive Session, Item #4: Acquisition of real property
- 2009-405 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 23<sup>rd</sup> day of October, 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.**