

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

**July 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

2009-252 Citizens to be Heard

2009-253 Announcements/Presentations

1. City Council/City Manager
  - a. Community Affairs calendar
  - b. Presentation of Proclamation to Dickey and Mary Gordon, parents of Marine Captain Lyle L. Gordon, killed in Iraq on January 26, 2005
  - c. Presentation of the Midlothian Chamber of Commerce Keep Midlothian Beautiful Award to the City of Midlothian
  - d. Agency Budget Presentations and Requests
  - e. 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.*

2009-254 Consider and act upon minutes from City Council meetings of July 14, 2009

2009-255 Consider and act upon amending Resolution 2009-22, approving and authorizing the Midlothian Police Department to apply for grant funds from the Edward Byrne Memorial Justice Assistance Grant ("JAG"), to include federally-required (but previously omitted) language that (1) assures in the event of loss or misuse of funds, the governing body will return all funds advanced; and (2) specifying that grants funds are to also be used for radio equipment for the Communications Center. Proceeds of said grant are to be utilized for the operation of an emergency operations center and radio equipment for the Communications Center

2009-256 Consider and act upon a resolution adopting an Identity Theft Policy

2009-257 Consider and act upon a staff recommendation to reject all bids received for the Skyline Water Line Replacement Project

**PUBLIC HEARINGS AND REGULAR AGENDA**

2009-258 Conduct a public hearing and act upon an ordinance regarding a rezoning request for property currently zoned Light Industrial (LI) District to a Planned Development (PD) District for surface mineral extraction and associated uses. Property is out of the George F. Holman Survey, Abstract 460, and the H.K. Hendricks Survey, Abstract 488, containing  $\pm$  79.100 acres, and generally located east of Old Dallas Hwy and being divided by Dove Lane and  $\pm$  650 feet south of Gifco Road (Case No. Z05-2008-33)

- 2009-259 Conduct a public hearing to consider and act upon an Ordinance amending the City's Zoning Ordinance, Ordinance No. 89-13, as amended, amending Article III, Section 3.1 (Definitions), Article IV, Section 4.4 (Use Table), and Article XIII (Commercial Communications Towers) to allow wind energy turbines and towers, 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. (Case No. OZ07-2008-27)

### 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. 08-C-3999, Ken Chambers v. Boyce Whatley, Steve Massey, Joe Frizzell and the City of Midlothian, pursuant to attorney's ethical duty to advise City regarding such matters
7. Section 551.072 Real Estate: Consultation with attorney regarding City of Midlothian's 2006 purchase of First Baptist Church property, pursuant to attorney's ethical duty to advise City regarding such matters
8. Section 551.071 Legal: Consultation with attorney regarding Cause No. 74,681; City of Midlothian v. Corgan Associates, et al
9. Section 551.086 Deliberation regarding economic development negotiations for Project Oden

### REGULAR AGENDA

- 2009-260 Action resulting from Executive Session, Item #1: Randall Denton, Cause No. 75885
- 2009-261 Action resulting from Executive Session, Item #2: TCBL, Cause No. 3-07-CV-1351-N
- 2009-262 Action resulting from Executive Session, Item #3: TCBL, Cause No. 67202
- 2009-263 Action resulting from Executive Session, Item #4: Highway 67
- 2009-264 Action resulting from Executive Session, Item #5, Utility, Roadway and Parks Projects
- 2009-265 Action resulting from Executive Session, Item #6, Ken Chambers, Cause No. 08-C-3999
- 2009-266 Action resulting from Executive Session, Item #7, First Baptist Church

- 2009-267 Action resulting from Executive Session, Item #8, Cause No. 74,681; Corgan & Associates, et al
- 2009-268 Action resulting from Executive Session, Item #9, Project Oden
- 2009-269 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 24<sup>th</sup> day of July, 2009, at or before 5:00 p.m.

  
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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.**