

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

August 11, 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

2009-270 Citizens to be Heard

2009-271 Announcements/Presentations

1. City Council/City Manager
 - a. Community Affairs calendar
 - b. Quarterly financial report by Linda Patterson and Associates
 - c. Administrative Announcements related to personnel

WORKSHOP

2009-272 Review and discuss City of Midlothian Draft Budget for FY 2009-2010

- a. Agency Budget Presentations and Requests
- b. Overall Budget

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.

2009-273 Consider and act upon minutes from City Council meetings of July 24, July 25 and July 28, 2009

2009-274 Consider and act upon an ordinance amending Ordinance No. 86-3, and 98-39, clarifying procedures, terms of office, scope and residency requirements for the Historic Advisory Board; and repealing Ordinance No. 91-16 and any other ordinances in conflict with the terms of this ordinance; providing a severability clause and an effective date (Case No. M07-2008-42)

2009-275 Consider and act upon a resolution creating the City of Midlothian Historic Advisory Board's Rules of Procedure (Case No. RES10-2008-41)

2009-276 Consider and act upon an Ordinance of the City Council of the City of Midlothian, Texas, approving a negotiated resolution between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" or "the company") regarding the company's rate review mechanism filing in all cities exercising original jurisdiction; declaring existing rates to be unreasonable; requiring the Company to reimburse cities' reasonable ratemaking expenses; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement and finding the rates to be set by the attached tariffs to be just and reasonable; approving Atmos' proof of revenues; adopting a savings clause; determining that this Ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; declaring an effective date; and requiring delivery of this Ordinance to the company and the Steering Committee's legal counsel

- 2009-277 Consider and act upon a Professional Services Agreement with E.D. Hill & Associates for inspection services in association with Phase 1 Construction for Water Treatment Plant No. 2

PUBLIC HEARINGS

- 2009-278 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)

REGULAR AGENDA

- 2009-279 Consider and act upon a request from the Midlothian Civic Center Board of Directors for assistance with limited concrete sidewalk and curb removal work at the Civic Center
- 2009-280 Consider and act upon a "Temporary Contract Relating to Raw Water Diversions from Joe Pool Reservoir" with Chesapeake Operations for the diversion and purchase of up to 20 million gallons of raw water for gas well drilling operations
- 2009-281 Receive questions and comments from City Council members concerning the 2006 purchase of the former First Baptist Church; discuss, and direct staff as necessary

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

REGULAR AGENDA

- 2009-282 Action resulting from Executive Session, Item #1: Randall Denton, Cause No. 75885
- 2009-283 Action resulting from Executive Session, Item #2: TCBL, Cause No. 3-07-CV-1351-N
- 2009-284 Action resulting from Executive Session, Item #3: TCBL, Cause No. 67202
- 2009-285 Action resulting from Executive Session, Item #4: Highway 67
- 2009-286 Action resulting from Executive Session, Item #5, Utility, Roadway and Parks Projects
- 2009-287 Action resulting from Executive Session, Item #6, Ken Chambers, Cause No. 08-C-3999
- 2009-288 Action resulting from Executive Session, Item #7, First Baptist Church
- 2009-289 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 7th day of August, 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.**