

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

**October 14, 2008**

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

2008-365 Citizens to be Heard

2008-366 Announcements/Presentations

1. City Council/City Manager – Staff Recognition and Community Achievements
  - a. Chamber of Commerce Week Proclamation
  - b. Recognize Wal-Mart for Charitable Contributions
  - c. Recognize Deputy Fire Chief Dale McCaskill for Acceptance into the Executive Fire Officer Program of the National Fire Academy
  - d. Community Events Announcements
  - e. Recognize Police and Fire Departments for successful National Night Out

**WORKSHOP**

2008-367 Review and discuss long-term water and wastewater rate plans; direct staff accordingly

**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.*

2008-368 Consider and act upon minutes from City Council meetings of September 9 and 23, 2008

2008-369 Consider and act upon a Resolution authorizing the Fall Festival 5K Run/Walk, an event hosted by the Midlothian Chamber of Commerce and scheduled for Saturday, October 18, 2008, 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. RES01-2008-01)

2008-370 Consider and act upon an Ordinance amending Ordinance 2007-35, Section 6 - Levy of Fees for Garbage/Refuse and Recycling Collection Service, by increasing Garbage and Refuse Collection Service Fees from \$10.98 (inclusive of tax) to \$11.89 (inclusive of tax) and increasing Recycling Collection Service Fees from \$2.57 (inclusive of tax) to \$2.81 (inclusive of tax); amendments include rates increases for commercial hand load, front load and roll-off services equating to an overall increase of 9.21%; establishing violation and penalty clauses; providing a severability clause and repealer clause and setting an effective date

- 2008-371 Consider and act upon an Ordinance establishing a school speed zone on Branchwood Drive – 20 miles per hour from approximately 200 feet south of Meadow Glen Drive to approximately 200 feet north of Meadow Glen Drive; setting maximum speed and days and times of operation; authorize erection of appropriate signs; providing for a penalty; and setting an effective date
- 2008-372 Consider and act upon a Resolution authorizing the Mayor to execute a Pipeline Crossing Agreement with the Union Pacific Railroad Company for a new water line as part of Phase I of the Water Treatment Plant No. 2 Project
- 2008-373 Consider and act upon an Interlocal Agreement between the City of Fort Worth and the City of Midlothian to provide for the disposal of unused household hazardous chemicals

### **PUBLIC HEARINGS**

- 2008-374 Continue a public hearing to consider and act and upon an Ordinance rezoning ± 147.1 acres known as The Villages at Walnut Grove from its current Single Family Three (SF-3) District to a Planned Development (PD) District for retail, office, single-family residential, retirement village and light industrial uses. Property is generally located west of Walnut Grove Road and ± 1,770 feet north of U.S. Highway 287 (Case No. Z07-2007-67)

### **REGULAR AGENDA**

- 2008-375 Consider and act upon an Ordinance approving an electric supply contract through Cities Aggregation Power Project (CAPP) providing for capacity payments, pledging and leveraging ad valorem tax to such payments, and authorizing the City Manager or designee to execute related documents including member contract, disclosure, acknowledgment and modifications
- 2008-376 Consider and act upon an Ordinance amending Ordinance No. 2005-61, Flood Damage Prevention, by amending Article 5, Section B. “Specific Standards,” (1) Residential Construction and (4) Manufactured Homes; all other provisions of said Ordinance to remain in full force and effect; providing a severability clause; and providing for an effective date
- 2008-377 Consider and act upon a Resolution approving a \$45,000 grant initially awarded by the Midlothian Community Development Corporation (MCDC or 4B) to Midtowne LLC to assist in the cost of moving and renovating the historic Hopper House (aka Countryman House); and, to waive development fees related to the moving and renovation of the house

### **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 551.072 Real Estate: Deliberate and consider the acquisition of real property necessary for right-of-way and/or easement acquisitions for roadway and/or utility projects
2. Section 551.071 Legal: Consultation with attorney regarding Cause No. 74,681; City of Midlothian v. Corgan Associates, et al

3. 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
4. Section 551.071 Legal: Consultation with attorney regarding Cause No. 3-07-CV-1351-N, Texas Central Business Lines Corporation v. City of Midlothian
5. 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
6. Section 551.074 Personnel: to evaluate goals achievement of City Manager and consider contract amendments

### REGULAR AGENDA

- 2008-378 Action resulting from Executive Session, Item #1: Right-of-Way Acquisitions
- 2008-379 Action resulting from Executive Session, Item #2: Corgan & Associates
- 2008-380 Action resulting from Executive Session, Item #3: Randall Denton
- 2008-381 Action resulting from Executive Session, Item #4: TCBL, Cause No. 3-07-CV-1351-N
- 2008-382 Action resulting from Executive Session, Item #5:TCBL, Cause No. 67202
- 2008-383 Action resulting from Executive Session, Item #7: City Manager
- 2008-384 Adjourn

I, Lou Jameson, 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 10<sup>th</sup> day of October, 2008, at or before 5:00 p.m.

  
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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.**