

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

October 28, 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

2008-385 Citizens to be Heard

2008-386 Announcements/Presentations

1. City Council/City Manager – Staff Recognition and Community Achievements
 - a. Recognize MISD Problem Solvers
 - b. Fire Department recognition of staff
 - c. Community events calendar

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.

2008-387 Consider and act upon minutes from City Council meetings of October 14, 2008

2008-388 Consider and act upon a three-year contract with ATT for telephone and internet service

2008-389 Consider and act upon a resolution amending the Bylaws of the Midlothian Community Development Corporation (MCDC or 4B) per the recommendation of the 4B Board of Directors

2008-390 Consider and act upon an Engineering Services Agreement, Modification No. 1 to the 2006 Street Bond Projects with Schrickel, Rollins and Associates, Inc., (SRA), for the roadside trail along Mockingbird Lane in an amount not to exceed \$21,600

2008-391 Consider and act upon a bid award to Signature Contracting Services, LLC for fine-cut mowing of exclusive City of Midlothian rights-of-way, in an amount not to exceed fifty five thousand sixty three dollars (\$55,063)

2008-392 Consider and act upon a bid award to DFW Group, Inc., for brush mowing of exclusive City of Midlothian rights-of-way, in an amount not to exceed forty four thousand eight hundred thirteen dollars (\$44,813)

2008-393 Consider and act upon writing-off aged accounts receivable EMS ambulance billings older than nine months in accordance with established policy

PUBLIC HEARINGS

2008-394 Continue a public hearing to consider and act upon an Ordinance amending the City's Zoning Ordinance, Ordinance No. 89-13, as amended, amending Article VII, Section 7.4 (Sign Regulations) by adding, deleting and modifying certain sections and subsections to regulate electronic media; providing a conflicts clause; providing a severability clause, and providing for an effective date (Case No. OZ11-2007-86)

REGULAR AGENDA

- 2008-395 Consider and act upon an ordinance of the City Council of the City of Midlothian, Texas, reserving funds for the annual Operating General and Utility Services Fund appropriations for the ensuing fiscal year beginning October 1, 2008 and ending September 30, 2009; in accordance with Chapter 102, Local Government Code; appropriating various amounts thereof; repealing conflicting ordinances and resolutions; including a severability clause; and establishing an effective date
- 2008-396 Consider and act upon a professional services contract with Mesa Design Group, Inc. for the preparation of a Master Plan Trail System in an amount not to exceed Ninety Three Thousand Dollars (\$93,000)
- 2008-397 Consider and act upon a request to allow right-of-way encroachment for on-street parking on West Avenue C for 501 North 8th Street (Case No. M17-2007-102). Property contains \pm 0.481 acres, and is generally located at the northwest corner of North 8th Street and West Avenue C in the City of Midlothian, Texas
- 2008-398 Consider and take action on an Interlocal Agreement between the U.S. Internal Revenue Service "IRS" Criminal Investigative Division and the City of Midlothian, Texas in order to approve a Southern Sector HIDTA Task force to be housed at the Midlothian Justice Center
- 2008-399 Consider and act upon an ordinance that establishes that the City of Midlothian may create a municipal police department and that the city manager may hire a police chief and officers as allowed by the budgeting process. In addition the ordinance allows the chief of police to establish a reserve police force with in the guidelines set forth
- 2008-400 Consider and act upon a Resolution authorizing the Cities Aggregation Power Project, Inc., ("CAPP") to negotiate an Electric Supply Agreement for deliveries of electricity and necessary related services effective January 1, 2009; authorizing CAPP to act as an agent on behalf of the City to enter into a contract for electricity; approving CAPP contracting with FPL Energy and Direct Energy and authorizing the chairman of CAPP to execute an Electric Supply Agreement for deliveries of electricity effective January 1, 2009; committing to budget for energy purchases and to honor the City's commitments to purchase power through CAPP for its electrical needs beginning January 1, 2009 through December 31, 2013
- 2008-401 Consider and act upon a Resolution finding that Oncor Electric Company's requested increases to its electric transmission and distribution rates and charges within the City should be denied; finding that the City's reasonable rate case expenses shall be reimbursed by the Company; finding that the meeting at which this Resolution is passed is open to the public as required by law; requiring notice of this Resolution to the company and legal counsel

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 551.071 Legal: Consultation with attorney regarding Cause No. 07-C-3025, Ken Halverson v. City of Waxahachie, City of Midlothian, and Midlothian-Waxahachie Airport Board
7. Section 551.071 Legal: Consultation with attorney regarding Cause No. 70419, George Slayton and Roberta Slayton v. City of Midlothian and Oscar Renda Contracting, Inc., 40th District Court, Ellis County, Texas

REGULAR AGENDA

- 2008-402 Action resulting from Executive Session, Item #1: Right-of-Way Acquisitions
- 2008-403 Action resulting from Executive Session, Item #2: Corgan & Associates
- 2008-404 Action resulting from Executive Session, Item #3: Randall Denton
- 2008-405 Action resulting from Executive Session, Item #4: TCBL, Cause No. 3-07-CV-1351-N
- 2008-406 Action resulting from Executive Session, Item #5:TCBL, Cause No. 67202
- 2008-407 Action resulting from Executive Session, Item #6: Halverson
- 2008-408 Action resulting from Executive Session, Item #7: Slayton
- 2008-409 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 24th day of October, 2008, 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.**