

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

November 11, 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

2008-410 Citizens to be Heard

2008-411 Announcements/Presentations

1. City Council/City Manager – Staff Recognition and Community Achievements
 - a. Proclamation commemorating Veterans Day
 - b. Recognize City staff for successful Halloween event
 - c. Recognize Public Works Department staff for Public Service
 - d. Annual Midlothian Clean-Up Day report
 - e. Community events calendar

WORKSHOP

2008-412 Conduct a work session on the conditions of certain City asphalt roadways experiencing damage from increasing volumes of truck traffic

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.

2008-413 Consider and act upon minutes from City Council meetings of October 28, 2008

2008-414 Consider and act upon an ordinance amending Ordinance Numbers 86-29, 86-46 and 96-11 and establishing speed zones for vehicles under the provisions of Transportation Code, Section 545.356 upon North 8th Street and North 9th Street; setting maximum speeds; authorize erection of appropriate signs; providing for a repealing clause; providing for a penalty; and setting an effective date

2008-415 Consider and act upon an ordinance setting forth new rules and regulations for a retail and wholesale drought contingency plan; establishing criteria for the initiation and termination of drought response stages; establishing restrictions on certain water uses; establishing penalties for the violation of and provisions for enforcement of these restrictions; establishing procedures for granting variances; and providing severability and an effective date, and therefore repealing Ordinance No. 2002-19

PUBLIC HEARINGS

2008-416 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

- 2008-417 Consider and act upon an ordinance of the City of Midlothian Texas, amending the FY 2008-2009 Utility Fund Budget Appropriations in the amount of \$21,000 from the Unreserved Fund Balance for the purchase of a new vehicle for the Utility Water/Wastewater Operations Department to replace an existing vehicle 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
- 2008-418 Consider and act upon a request to add electronic message displays (LED) to an existing and proposed ground signs for 100 East Main Street (CVS Pharmacy). Property is located on the southeast corner of the intersection of East Main Street and FM 663 (South 9th Street) in the City of Midlothian, Texas (Case No. M18-2007-103)
- 2008-419 Consider and act upon an Interlocal Agreement between future participating cities and the City of Midlothian that provides for cost participation rules, policies, and procedures regarding the usage of the Midlothian Firearms Training Facility located south and east of the Midlothian Water Treatment Plant

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
8. Section 551.071 Legal: Consultation with attorney regarding ethical duty to advise on legal matters regarding the enforcement of posted load limits on two lane asphalt roadways, such as Old Fort Worth Road
9. Section 551.086 Deliberation regarding economic development negotiations

REGULAR AGENDA

- 2008-420 Action resulting from Executive Session, Item #1: Right-of-Way Acquisitions
- 2008-421 Action resulting from Executive Session, Item #2: Corgan & Associates
- 2008-422 Action resulting from Executive Session, Item #3: Randall Denton
- 2008-423 Action resulting from Executive Session, Item #4: TCBL, Cause No. 3-07-CV-1351-N
- 2008-424 Action resulting from Executive Session, Item #5:TCBL, Cause No. 67202
- 2008-425 Action resulting from Executive Session, Item #6: Halverson
- 2008-426 Action resulting from Executive Session, Item #7: Slayton
- 2008-427 Action resulting from Executive Session, Item #8: Load Limits
- 2008-428 Action resulting from Executive Session, Item #9: Economic Development
- 2008-429 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 November, 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.**