

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

February 10, 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

2009-049 Citizens to be Heard

2009-050 Announcements/Presentations

1. City Council/City Manager
 - a. Community Calendar
 - b. Hope Clinic presentation

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.

2009-051 Consider and act upon minutes from City Council meetings of January 13 and 27, 2009

2009-052 Consider and act upon an ordinance providing for an election to be held to elect two councilmembers in the City of Midlothian; defining the term of office; designating the polling location; designating the election judge and providing for clerical personnel; designating the time and place; providing for a run-off election; and providing for the filing of applications for the official ballots for said election

2009-053 Consider and act upon a resolution of the City of Midlothian, Texas, endorsing certain legislative changes to enhance the competitive electric market supported by Cities Aggregation Power Project, Inc.

2009-054 Consider and act upon a Strategic Plan and Annual Operating Budget Calendar for FY 2009-2010

PUBLIC HEARINGS and REGULAR AGENDA

2009-055 Conduct a public hearing and act upon a rezone request to amend Ordinance 2006-44, the original Planned Development Ordinance of Texanna Ranch (PD-39) by increasing the number of approved residential lots from the current 88, with minimum lot widths of 100 feet, to 98 by allowing smaller sized lots, with minimum 70-foot wide lots, and updated architectural design standards that show updated garage door standards. Property contains ± 12.051 acres and is located north of FM 1387 and east of Bryson Road in the City of Midlothian, Texas (Case No. Z01-2008-04)

REGULAR AGENDA

- 2009-056 Consider and act upon an ordinance regulating the parking of vehicles in front, side and back yards on private property within residential zoning districts; definitions; general vehicle parking and parking surface regulations; special vehicle parking regulations; utility vehicle parking regulations; providing for a penalty that any violation of the terms of this ordinance and any of said code is further declared to be a misdemeanor, and any person found guilty thereof shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00) each day that such violation continues shall constitute a separate offense and shall be punishable accordingly; providing for a severability clause; and, setting an effective date
- 2009-057 Consider and act upon recommendations of the City Council Nomination Subcommittee for appointments to various City boards and commissions
- 2009-058 Consider and act upon a Resolution authorizing Don Hastings, City Manager for the City of Midlothian, acting on behalf of the City of Midlothian, to make a formal offer to Harry Duff Hunt, III and the Estate of Carolyn T. Hunt, for acquisition of a right-of-way parcel, in fee simple, described as 3.779 acres, located in the W. S. Garvin Survey, Abstract No. 423, Midlothian, Ellis County, Texas. Said right-of-way parcel is fully described in the proposed Resolution
- 2009-059 Consider and act upon a Resolution authorizing Don Hastings, City Manager for the City of Midlothian, acting on behalf of the City of Midlothian, to make a formal offer to the Estate of Billy Pat Maxwell, for acquisition of a right-of-way parcel, in fee simple, described as 1.710 acres, located in the W. S. Garvin Survey, Abstract No. 423, Midlothian, Ellis County, Texas. Said right-of-way parcel is fully described in the proposed Resolution

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 551.071 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
5. Section 551.072 Real Estate: Deliberation regarding real property –Water Treatment Plant No. 2 water line easement or right-of-way acquisitions
6. Section 551.072 Real Estate: Deliberation regarding real property - to deliberate the purchase, exchange, lease or value of real property for park land and airport purposes

7. Section 551.086 Deliberation regarding economic development negotiations – Project Odin

REGULAR AGENDA

- 2009-060 Action resulting from Executive Session, Item #1: Randall Denton
- 2009-061 Action resulting from Executive Session, Item #2: TCBL, Cause No. 3-07-CV-1351-N
- 2009-062 Action resulting from Executive Session, Item #3: TCBL, Cause No. 67202
- 2009-063 Action resulting from Executive Session, Item #4: Ken Chambers
- 2009-064 Action resulting from Executive Session, Item #5: Water Treatment Plant No. 2
- 2009-065 Action resulting from Executive Session, Item #6: Park and Airport Land
- 2009-066 Action resulting from Executive Session, Item #7: Project Odin
- 2009-067 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 6th day of February, 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.**