

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

February 24, 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

2009-068 Citizens to be Heard

2009-069 Announcements/Presentations

1. City Council/City Manager
 - a. Community Affairs
 - b. Consolidated Annual Financial Report presented by Weaver and Tidwell
 - c. Proclamation recognizing Austyn Rapp, Miss Teen Ellis County 2009
 - d. Police Department staff recognition
 - e. Administrative Announcements

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.

2009-070 Consider and act upon minutes from City Council meeting of February 10, 2009

2009-071 Receive annual Racial Profiling Report provided by the Midlothian Police Department in compliance with SB1074 enacted by the Texas Legislature in 2001

2009-072 Consider and act upon a Resolution expressing support for legislation to grant the City of Midlothian authority to operate a Foreign Trade Zone within the City of Midlothian, and encouraging the City's legislative delegation to sponsor and support such legislation in the 81st Regular Legislative Session

PUBLIC HEARINGS and REGULAR AGENDA

2009-073 Conduct a public hearing to consider and act upon an ordinance to amend the City of Midlothian Zoning Ordinance 89-13, as amended, to consider deleting Article IV, Section 4.5 (Transitional Rules) and Article VII, Section 7.5-12 (Large Vehicle Parking) 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. Said amendments are primarily designed to delete obsolete sections of the Zoning Ordinance that are no longer needed. (Case No. OZ02-2008-14)

- 2009-074 Conduct a public hearing to consider and act upon an ordinance to amend the City of Midlothian Zoning Ordinance 89-13, as amended, to consider amending Article IX, Section 9 (Non-Conforming Lots, Uses, and Structures) 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. Said amendment is primarily design to update this section with the recent annexation of land (Case No. OZ03-2008-15)
- 2009-075 Conduct a public hearing to consider and act upon an ordinance to amend the City of Midlothian Zoning Ordinance 89-13, as amended, to consider amending Article X (Platting Property Not Permanently Zoned) 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. Said amendment is primarily designed to update procedures of issuing building permits (Case No. OZ04-2008-16)
- 2009-076 Conduct a public hearing to consider and act upon an ordinance to amend the City of Midlothian Zoning Ordinance 89-13, as amended, to consider amending Article XI, Zoning Board of Adjustment (ZBA), 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. Said amendments are primarily designed to update and clarify procedures, power, and duties of the Zoning Board of Adjustment (ZBA). (Case No. OZ01-2008-13)

REGULAR AGENDA

- 2009- 077 Continue a discussion and consideration for a Resolution amending the City of Midlothian’s Zoning Board of Adjustment Rules of Procedure (Case No. RES04-2008-22)
- 2009- 078 Consider a Resolution authorizing the City Attorney, acting on behalf of the City of Midlothian, to institute eminent domain proceedings against Harry Duff Hunt, III. Individually, and as Sole Heir of Carolyn Theresa Hunt, Deceased, and all other appropriate parties, 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 parcel is fully described in the proposed Resolution
- 2009-079 Consider a Resolution authorizing the City Attorney, acting on behalf of the City of Midlothian, to institute eminent domain proceedings against the Estate of Billy Pat Maxwell, and all other appropriate parties, 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 parcel is fully described in the proposed Resolution
- 2009- 080 Consider and act upon a Resolution authorizing the City Attorney, acting on behalf of the City of Midlothian and City of Waxahachie, to institute eminent domain proceedings against Sid Strebeck, for acquisition of 27.117 acres of land situated in the L.W. Stewart Survey, Abstract No. 997, in Ellis County, Texas; said property to be acquired is fully described in the proposed Resolution
- 2009- 081 Consider and act upon recommendations of the City Council Nomination Subcommittee for appointments to various City boards and commissions

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 real property –Water Treatment Plant No. 2 water line easement or right-of-way acquisitions
5. 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

REGULAR AGENDA

- 2009-082 Action resulting from Executive Session, Item #1: Randall Denton
- 2009-083 Action resulting from Executive Session, Item #2: TCBL, Cause No. 3-07-CV-1351-N
- 2009-084 Action resulting from Executive Session, Item #3: TCBL, Cause No. 67202
- 2009-085 Action resulting from Executive Session, Item #4: Water Treatment Plant No. 2
- 2009-086 Action resulting from Executive Session, Item #5: Park and Airport Land
- 2009-087 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 20th day of February, 2009, at or before 5:00 p.m.



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.**