

**NOTICE OF A REGULAR MEETING
OF THE GOVERNING BODY
OF THE CITY OF MIDLOTHIAN, TEXAS
FEBRUARY 12, 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

- 2008-33 Citizens to be Heard
- 2008-34 Announcements/Presentations
 - 1. City Council announcements
 - 2. City Manager 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.

- 2008-35 Consider and act upon minutes from City Council meeting of January 22, 2008
- 2008-36 Consider and act upon a Strategic Plan and Annual Operating Budget Calendar for FY 2008-2009
- 2008-37 Consider and act upon an Ordinance of the City Council of the City of Midlothian, Texas, approving a Settlement Agreement between the Atmos Cities Steering Committee (ACSC) and Atmos Energy Corp., Mid-Tex Division regarding the Company's Statement of Intent to change gas rates in all cities exercising original jurisdiction; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the Settlement Agreement and finding the rates to be set by the tariffs to be just and reasonable; adopting a savings clause; determining that this Ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; declaring an effective date; and requiring delivery of this Ordinance to the company and legal counsel
- 2008-38 Consider and act upon an Ordinance providing for an election to be held to elect a mayor and 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
- 2008-39 Consider and act upon an Interlocal Agreement with the North Central Texas Council of Governments for reduced newspaper advertising rates through cooperative purchasing
- 2008-40 Consider and act upon Amendment 1 to the City's Tower/Land Lease Agreement with TierOne Converged Networking, Inc., to charge TierOne a monthly electricity rate in lieu of separate metering
- 2008-41 Consider and act upon a Water Line Transfer Agreement with Rockett Special Utility District

PUBLIC HEARINGS and REGULAR AGENDA

- 2008-42 Conduct a public hearing to consider an amendment to Ordinance 2007-15, as amended, the City of Midlothian's Comprehensive Plan; amending the Thoroughfare and Future Land Use Plan by adding and revising certain road segments to the Thoroughfare Plan Map and amending certain land use designations to the Future Land Use Plan providing a severability clause and an effective date (Case No. CP01-2007-06A)
- 2008-43 Conduct a public hearing to consider an amendment to Ordinance 2007-15, as amended, the City of Midlothian's Comprehensive Plan; amending the Thoroughfare and Future Land Use Plan by adding and revising certain road segments to the Thoroughfare Plan Map, providing a severability clause and an effective date (Case No. CP01-2007-06B)
- 2008-44 Continue a public hearing to consider and act upon amendments to the City of Midlothian Zoning Ordinance, adopted by Ordinance 89-13, as amended, amending Article 14, "Adult Entertainment Establishment Regulations" with new regulations related to the creation of sexually oriented business, and any other corresponding additions, deletions or changes to various sections, articles and provisions contained in said Zoning Ordinance (Case No. OZ05-2007-25)
- 2008-45 Conduct a public hearing and act upon a rezone request to amend the original Texanna Ranch (PD-39) Ordinance 2006-44 (Case No. Z04-2007-23); the property owner is requesting to amend the 15 foot right-of-way along FM 1387 to be used as a 15 foot landscape buffer and to amend current building setback lines for specific residential lots in cul-de-sacs from 20-30 feet to 35 feet; property is located north of FM 1387 and +/- 980 feet east of Bryson Lane

REGULAR AGENDA

- 2008-46 Consider and act upon Modification No. 1 to an Engineering Services Agreement for Phase I of the Plum Creek Gravity Sanitary Sewer Main with Schrickel, Rollins and Associates, Inc. (SRA), in an amount not to exceed \$17,980
- 2008-47 Consider and act upon a resolution dedicating the new Development Services Center to the citizens of Midlothian and expressing appreciation to the City employees involved in the renovation
- 2008-48 Consider and act upon an ordinance to vacate and abandon a portion of George Hopper Court (Case No. ROW01-2007-38), said right-of-way contains \pm 0.859 acres and is generally located \pm 571 feet west of South 14th Street and north of George Hopper Road; declaring that such right-of-way is unnecessary for use by the public; authorizing the Mayor of the City of Midlothian, Texas to execute a Quitclaim Deed releasing public ownership, interest or control of said right-of-way to the abutting fee simple property owner; providing for engrossment and enrollment and providing for an effective date
- 2008-49 Consider and act upon nominations to various Boards and Commissions:
- Corporation for Economic Development (4A)

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. 67202,

- Midlothian v. Texas Central Business Lines Corporation, et al, pursuant to attorney's ethical duty to advise City regarding such matters
2. Section 551.072 Real Estate: Deliberate and consider the acquisition of real property necessary for roadway and parks improvement projects
 3. Section 551.071 Legal: Consultation with attorney regarding ethical duty to advise regarding litigation concerning the construction of the Midlothian Conference Center and Senior Citizen's Center
 4. 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
 5. Section 551.071 Legal: Consultation with attorney regarding Cause No. 3-07-CV-1351-N, Texas Central Business Lines Corporation v. City of Midlothian
 6. Section 551.071(2) Legal: Consultation with attorney pursuant to attorney's ethical duty to advise City regarding e-discovery rules relative to City Council business
 7. Section 551.074 Personnel Matters: (a)(1) to deliberate the performance of the Police Chief
 8. Section 551.086 Economic Development: Deliberation regarding Kehe Foods tax abatement

REGULAR AGENDA

- 2008-50 Action resulting from Executive Session, Item #1: TCBL
- 2008-51 Action resulting from Executive Session, Item #2: Property acquisition
- 2008-52 Action resulting from Executive Session, Item #3: Construction
- 2008-53 Action resulting from Executive Session, Item #4: Halverson
- 2008-54 Action resulting from Executive Session, Item #5: TCBL federal
- 2008-55 Action resulting from Executive Session, Item #6: TCBL federal, e-discovery
- 2008-56 Action resulting from Executive Session, Item #7: Personnel
- 2008-57 Action resulting from Executive Session, Item #8: Kehe Foods
- 2008-58 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 8th day of February, 2008, 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.**