

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

2008-84 Citizens to be Heard

2008-85 Announcements/Presentations

1. City Council announcements
2. City Manager announcements
3. Presentation of DeMolay Proclamation
4. Presentation of Meals on Wheels Proclamation
5. Presentation of Red Cross Proclamation
6. Recognition of Billy King, Utility Superintendent
7. Draw candidate names for a place on the ballot for May 10, 2008 City Council election

**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.*

2008-86 Consider and act upon minutes from City Council meeting of February 26, 2008

2008-87 Consider and act upon a resolution authorizing a parade to be hosted by the Midlothian Amateur Baseball and Girls Softball Association, Inc. on Saturday, March 29, 2008, in accordance with zoning requirements for Special Events as established by the City of Midlothian Zoning Ordinance 89-13, as amended, Section 4.4 (Use Table) (Case No. RES06-2007-48)

2008-88 Consider and act upon a resolution, authorizing the Gateway Church to host a movie night at Kimmel Park on March 14, 2008, in accordance with zoning requirements for Special Events as established by the City of Midlothian Zoning Ordinance 89-13, as amended, Section 4.4 (Use Table) (Case No. RES13-2006-144) [**Rescheduled for March 21, 2008**]

2008-89 Consider and act upon a resolution authorizing an Annual Community Easter Egg Hunt. The Event will be co-hosted by the Midlothian Chamber of Commerce and the Midlothian Downtown Business Association on Saturday, March 22, 2008, in accordance with zoning requirements as established by Section 4.4 of Ordinance 89-13 as amended, the City of Midlothian Zoning Ordinance (Case No. RES07-2007-50)

- 2008-90 Consider and act upon a request to purchase and equip six 2008 Ford Crown Victoria Police Interceptors by state contract awarded through Legacy Ridge Autoplex in the amount of \$163,981.20; authorize the auction of two police vehicles; and, retain four used vehicles in a backup status, thereby increasing the Police Department Fleet by four vehicles
- 2008-91 Consider and act upon a resolution authorizing the expenditure of up to \$40,000 for utility adjustments necessary for the Mt. Zion Road Federal Aid Off-System Bridge Replacement Project and seeking reimbursement from the Texas Department of Transportation (TxDOT) for said expenditure
- 2008-92 Consider and act upon an ordinance of the City of Midlothian Texas, amending the FY 2007-2008 General Fund Budget Appropriations in the amount of \$127,340 from the Unreserved Fund Balance for the purchase of a mobile stage with movie and audio packages to be utilized by the City for special events 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
- 2008-93 Consider and act upon an ordinance of the City of Midlothian, Texas, amending the FY 2007-2008 General Fund Budget Appropriations in the amount of \$30,000 from the Unreserved Fund Balance for the purchase of three (3) Thor Guard Lightning Prediction and Warning Systems for Parks; 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
- 2008-94 Consider and act upon establishing an ordinance of the City of Midlothian restricting truck traffic on certain streets within the corporate limits of the City (in particular Midlothian Parkway from Business 287 [Main Street] to Dove Lane [1800 Block]); signage placement; definition; penalty; additional sanctions; exclusions; severability clause; and effective date
- 2008-95 Consider and act upon a Professional Services Agreement with McCall, Parkhurst, & Horton, L.L.P. for bond counsel services for Water Treatment Plant No. 2 construction project requiring a Texas Water Development Board (TWDB) Drinking Water State Revolving Fund Tier III Loan
- 2008-96 Consider and act upon a Professional Services Agreement with Southwest Securities for financial advisor services for the Water Treatment Plant No. 2 construction project requiring a Texas Water Development Board (TWDB) Drinking Water State Revolving Fund Tier III loan

#### **PUBLIC HEARINGS and REGULAR AGENDA**

- 2008-97 Conduct a public hearing and act upon an ordinance to amend Ordinance 2006-52 (Specific Use Permit Ordinance for Ash Grove "C"), an amendment to the Specific Use Permit allowing drilling of up to five (5) gas wells on the Ash Grove "C" Drill Site. Property is currently zoned Light Industrial (LI) and Heavy Industrial (HI) Districts, and contains ± 10.97 acres, and is generally located east of Union Pacific Railroad line and north of Gifco Road (Case No. SUP07-2007-36)

- 2008-98 Conduct a public hearing and act upon an ordinance regarding a Specific Use Permit (SUP) to allow drilling of up to five (5) gas wells on the Ash Grove “M” Drill site. Property is currently zoned Heavy Industrial (HI) District, and contains ± 5.89 acres, and is generally located west of the Union Pacific Railroad line and east of Quarry Road (Case No. SUP08-2007-37)

### 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 Cause No. 3-07-CV-1351-N, Texas Central Business Lines Corporation v. City of Midlothian
4. Section 551.071 Legal: Consultation with attorney regarding Cause No. D-1-GN-08-000516, Wax Mid, Inc. v. Texas Commission on Environmental Quality and City of Midlothian, et al
5. Section 551.086 Economic Development: Deliberation regarding Kehe Foods tax abatement
6. 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
7. Section 551.071 Legal: Consultation with attorney regarding legal issues related to pending annexation of areas subject to a municipal annexation plan, pursuant to attorney’s ethical duty to advise City regarding such matters

### REGULAR AGENDA

- 2008-99 Action resulting from Executive Session, Item #1: TCBL
- 2008-100 Action resulting from Executive Session, Item #2: Property acquisition
- 2008-101 Action resulting from Executive Session, Item #3: TCBL federal
- 2008-102 Action resulting from Executive Session, Item #4: Wax Mid, Inc.
- 2008-103 Action resulting from Executive Session, Item #5: Kehe Foods
- 2008-104 Action resulting from Executive Session, Item #6: Midlothian Conference Center
- 2008-105 Action resulting from Executive Session, Item #7: Annexation
- 2008-106 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 March, 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.**