

**NOTICE OF A REGULAR MEETING  
OF THE GOVERNING BODY  
OF THE CITY OF MIDLOTHIAN, TEXAS**  
**January 13, 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

- 2009-001 Citizens to be Heard
- 2009-002 Announcements/Presentations
  - 1. City Council/City Manager
    - a. Community Calendar

**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.*

- 2009-003 Consider and act upon minutes from City Council meetings of November 25, December 9 and December 15, 2008
- 2009-004 Consider and act upon an ordinance establishing no parking, stopping, or standing of vehicles on either side of the roadway along U.S. Highway 287 from S. Clinton Lane to Rex Odom Drive (both directions), in the City of Midlothian, Ellis County, Texas
- 2009-005 Consider and act upon an ordinance creating a Joint Airport Zoning Board and investing such Joint Airport Zoning Board with the powers such boards are authorized to exercise under the provisions of the Airport Zoning Act, Texas Local Government Code, §241.001 et seq (Case no. M05-2008-16)
- 2009-006 Consider and take action to approve an amendment to the Airport's Minimum Standards and Requirements adding a statement to Page 22, Article 12 (A) on insurance requirements for hangar tenants with non-typical aircraft which reads "For non-typical aircraft for which above minimums are not available, limits as close to the above will be acceptable at the discretion of the Airport Administration."
- 2009-007 Consider and act upon a Joint Election Agreement with the Midlothian Independent School District
- 2009-008 Consider and act upon a resolution approving a grant in the amount of ten thousand three hundred and 00/100 (\$10,300.00) dollars, initially awarded by the Midlothian Community Development Corporation (MCDC or 4B) to Manna House to assist in the cost of adding a storage area addition to the Manna House building located at 210 W. Avenue F

**PUBLIC HEARINGS and REGULAR AGENDA**

- 2009-009 Conduct a public hearing to consider and act upon an Ordinance to approve a Specific Use Permit (SUP) to allow drilling of up to five (5) gas wells on the Chaparral "H" Drill Site. Property is currently zoned Single Family One (SF-1) District, containing ± 4.65 acres generally located north of Wyatt Road and east of Weatherford Road in the City of Midlothian, Texas (Case No. SUP02-2008-05)

## REGULAR AGENDA

- 2009-010 Consider and discuss providing assistance to match fund raising efforts of Midlothian Community Problem Solvers and direct staff as necessary
- 2009-011 Consider and act upon a contract with P.E.T. Construction of Midlothian, Texas, for the construction of 2008-2009 water and sewer rehabilitation projects in an amount not to exceed \$206,799.90
- 2009-012 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; including a severability clause; and, establishing an effective date
- 2009-013 Consider and act upon staff's request to order and lease three Chevy Tahoes for Administrative Staff as approved in the FY 2008-09 Budget
- 2009-014 Consider and act upon staff's request to order and lease one Chevy Tahoe to replace two Ford Crown Victoria patrol vehicles currently being shared by four sergeants
- 2009-015 Consider and act upon an ordinance amending the City of Midlothian's Fiscal Year 2008-2009 General Fund Budget Appropriations in an amount not to exceed \$50,000.00 from the Unreserved Fund Balance to purchase approximately 25 patrol rifles and accompanying hardware and optics; the amount will be repaid by participating City of Midlothian Police Officers participating in the purchase program. 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
- 2009-016 Consider and act upon an ordinance amending the City of Midlothian's Fiscal Year 2008-2009 General Fund Budget appropriating the amount of \$42,455.00 from the Unreserved Fund Balance to employ a new sergeant for the remainder of the 2008/09 fiscal year. The Midlothian Independent School District will reimburse the City of Midlothian for personnel costs per an executed agreement between the City of Midlothian and the Midlothian Independent School District; 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

## 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).*

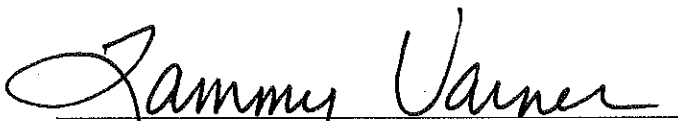
1. Section 551.071 Legal: Consultation with attorney regarding Cause No. 75885, City of Midlothian v. Randall Denton and Musket Corporation, pursuant to attorney's ethical duty to advise City regarding such matters
2. Section 551.071 Legal: Consultation with attorney regarding Cause No. 3-07-CV-1351-N, 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 551.071 Legal: Consultation with attorney regarding threatened litigation by John Clark

### REGULAR AGENDA

- 2009-017 Action resulting from Executive Session, Item #1: Randall Denton
- 2009-018 Action resulting from Executive Session, Item #2: TCBL, Cause No. 3-07-CV-1351-N
- 2009-019 Action resulting from Executive Session, Item #3:TCBL, Cause No. 67202
- 2009-020 Action resulting from Executive Session, Item #4: Ken Chambers
- 2009-021 Action resulting from Executive Session, Item #5: Water Treatment Plant No. 2
- 2009-022 Action resulting from Executive Session, Item #6: Park and Airport Land
- 2009-023 Action resulting from Executive Session, Item #7: John Clark
- 2009-024 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 9<sup>th</sup> day of January, 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.**