

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

January 27, 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

2009-025 Citizens to be Heard

2009-026 Announcements/Presentations

1. City Council/City Manager
 - a. Community Calendar
 - b. Recognition of Police Department Staff
 - c. Hope Clinic presentation
 - d. Presentation of Quarterly Financial Report for first quarter of FY 2008-09 by Chris Dick, Finance Director

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.

2009-027 Consider and act upon an Ordinance adopting a Utility Connection Policy for the City of Midlothian, Texas; providing that this Ordinance shall be cumulative of all ordinances; providing for a penalty clause; providing for a severability clause; and providing for an effective date

2009-028 Consider and act upon a Resolution authorizing the City Manager to execute a Wireline Crossing Agreement with the Union Pacific Railroad Company for a new communications line as part of Phase I of the Water Treatment Plant No. 2 Project

2009-029 Consider and take action to approve updates to the City of Midlothian Human Resources Policy Manual

2009-030 Consider and act upon a Resolution of Support for the Regional Transportation Council Legislative Program for the 81st Texas Legislature Including: Rail North Texas: A Primary Rail Legislative Program with Supplemental Roadway Improvements (RES03-2008-17)

2009-031 Consider and take action to approve the trade in of a John Deere 120 Excavator and a Ditch Witch Mini-Excavator and to apply the trade in values toward the purchase of a Caterpillar Inc. 304C CR Mini Hydraulic Excavator from HOLT CAT of Grand Prairie, Texas, with the City to pay the remaining balance after applying the trade in values in an amount not to exceed \$15,048

2009-032 Review and authorize the Mayor to sign a proposed letter of support for a grant application to be submitted by the Midlothian Historical Society to Rotary International District 5810. This grant would be used to help fund the establishment of a Historical Museum in the first floor of the Old Firehouse

- 2009-033 Consider and act upon a resolution authorizing the City to enter into a contract with the Midlothian Independent School District (MISD) to exchange two equally-valued tracts of land respectively owned by City of Midlothian and MISD

PUBLIC HEARINGS and REGULAR AGENDA

- 2009-034 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)
- 2009-035 Conduct a public hearing to consider and act upon an Ordinance to rezone property known as 507 South 9th Street to a proposed Urban Village Planned Development (UVPD) District for office and general professional uses. Property is currently zoned Residential Three (R3) District and is generally located west of South 9th Street (FM 663) and ± 180 feet north of Alabama Street, in the City of Midlothian, Texas (Case No. OZ02-2008-08)

REGULAR AGENDA

- 2009-036 Consider and act upon an engineering services agreement with Schrickel, Rollins and Associates, Inc. (SRA) for Phase II Design on Water Treatment Plant No. 2 in an amount not to exceed \$2,187,880
- 2009-037 Consider and act upon a Consulting Services Agreement with Tri-Stem, LP to conduct an audit and study of prior electricity bills (including street light bills) paid by the City of Midlothian.
- 2009-038 Consider and act upon an ordinance of the City of Midlothian Texas, amending the FY 2008-2009 General Fund Budget Appropriations in the amount of \$82,559 from the Unreserved Fund Balance for the Mid-Way Airport runway extension project 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
- 2009-039 Consider and act upon a Resolution authorizing T. Scott Bryan, TxDOT Aviation Division of TxDOT, acting on behalf of the Cities of Midlothian and Waxahachie, to make a formal offer in the total amount of \$257,950.00 to Sid Strebeck, for acquisition of a parcel of land in fee simple consisting of 27.117 acres of land, situated in the L. W. Stewart Survey, Abstract 997, Ellis County, Texas; offer for property in the amount of \$203,400.00, \$48,600.00 for damages, and \$5,950.00 for costs to cure. All property is located in Ellis County, Texas, described in Exhibit "A" attached to 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 551.071 Legal: Consultation with attorney regarding threatened litigation by John Clark
8. Section 551.071 Legal: Consultation with attorney regarding Cause No. 68846, ECOM Real Estate Management, Inc. v. City of Midlothian

REGULAR AGENDA

- 2009-040 Action resulting from Executive Session, Item #1: Randall Denton
- 2009-041 Action resulting from Executive Session, Item #2: TCBL, Cause No. 3-07-CV-1351-N
- 2009-042 Action resulting from Executive Session, Item #3: TCBL, Cause No. 67202
- 2009-043 Action resulting from Executive Session, Item #4: Ken Chambers
- 2009-044 Action resulting from Executive Session, Item #5: Water Treatment Plant No. 2
- 2009-045 Action resulting from Executive Session, Item #6: Park and Airport Land
- 2009-046 Action resulting from Executive Session, Item #7: John Clark
- 2009-047 Action resulting from Executive Session, Item #8: ECOM
- 2009-048 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 23rd 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.**