

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

**March 10, 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

2009-088 Citizens to be Heard

2009-089 Announcements/Presentations

1. City Council/City Manager
  - a. Community Affairs
  - b. Presentation of DeMolay Proclamation
  - c. Draw names for a place on the ballot for May 9, 2009 City Council elections
  - d. 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.*

2009-090 Consider and act upon minutes from City Council meeting of February 24, 2009 and corrections to minutes of the January 27, 2009 meeting

2009-091 Consider and act upon an ordinance repealing Ordinance No. 2004-20 in its entirety and establishing new speed zones for vehicles under the provisions of Transportation Code, Section 545.356 upon Midlothian Parkway and Dove Lane; setting maximum speeds; authorize erection of appropriate signs; providing for a cumulative effect; providing for a penalty; providing for a severability clause; and setting an effective date

2009-092 Consider and act upon an ordinance establishing speed zones for vehicles under the provisions of Transportation Code, Section 545.356 upon Mt. Zion Road; setting maximum speeds; authorize erection of appropriate signs; providing for a cumulative effect; providing for a penalty; providing for a severability clause; and setting an effective date

2009-093 Consider and act upon an ordinance establishing a speed zone for vehicles under the provisions of Transportation Code, Section 545.356 upon Sudith Lane; setting maximum speeds; authorize erection of appropriate signs; providing for a cumulative effect; providing for a penalty; providing for a severability clause; and setting an effective date

2009-094 Consider and Act upon a contract with Lindsey Contractors, Inc., of Waco, Texas through the utilization of an Interlocal Cooperation Agreement with the State of Texas for asphaltic concrete work, on an as needed basis, at a unit price of \$64.42 per ton, in an amount not to exceed \$300,000

2009-095 Consider and act upon the authorization to pay for engine repairs to the 2004 Volvo Motor Grader, work to be performed by Romco Equipment Company of Dallas, TX, in the amount of \$33,500

- 2009-096 Consider and Act upon a proposed one-year contract extension with Weaver and Tidwell, L.L.P. for audit services

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

- 2009-097 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 VII, Section 7.8 (Masonry Regulations) 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 allow cementitious fiberboard material in certain cases and to exempt certain uses in the Agricultural (A) District from the masonry requirements (Case No. OZ05-2008-21)
- 2009-098 Conduct a public hearing and act upon an Ordinance regarding amendments to the City of Midlothian Comprehensive Plan Ordinance 2007-15, as amended, specifically to amend by adding and revising certain road segments on the Thoroughfare Plan Map, or any other revisions or deletions; providing a severability clause; and providing an effective date (Case No. CP01-2008-12)

### **REGULAR AGENDA**

- 2009-099 Consider and take action to award the banking services contract to Wachovia Bank, Midlothian, and authorize the City Manager to enter into a Contract for three years, with two possible one-year extensions at the same cost
- 2009-100 Consider and act upon an ordinance amending the City of Midlothian's Fiscal Year 2008-2009 General Fund Budget appropriating the amount of \$48,000.00 from the Unreserved Fund Balance to provide grant matching funds that would permit the Fire Department to accept the award of a Staffing for Adequate Fire and Emergency Response (SAFER) Grant from the U. S. Fire Administration through FEMA that would provide for the hiring of an additional six (6) firefighters this fiscal year; 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 551.072 Real Estate: Deliberation regarding real property –Water Treatment Plant No. 2 water line easement or right-of-way acquisitions

5. Section 551.071 Legal: Consultation with attorney regarding Cause No. 71-181-00458-08, City of Midlothian and County of Ellis v. Kehe Foods

**REGULAR AGENDA**

- 2009-101 Action resulting from Executive Session, Item #1: Randall Denton  
2009-102 Action resulting from Executive Session, Item #2: TCBL, Cause No. 3-07-CV-1351-N  
2009-103 Action resulting from Executive Session, Item #3: TCBL, Cause No. 67202  
2009-104 Action resulting from Executive Session, Item #4: Water Treatment Plant No. 2  
2009-105 Action resulting from Executive Session, Item #5: Kehe Foods  
2009-106 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 6<sup>th</sup> day of March, 2009, at or before 5:00 p.m.

  
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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.**