

**NOTICE OF A REGULAR MEETING
OF THE GOVERNING BODY
OF THE CITY OF MIDLOTHIAN, TEXAS
Tuesday, November 24, 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

- 2009-423 Announcements/Presentations
- a. Community Affairs calendar
 - b. Recognition of City employee and U. S. Navy Reservist Jonathan Smith on his pending deployment to Afghanistan
 - c. Recognition of Bob Robinson for his volunteer service with the Midlothian Fire Department
 - d. Administrative Announcements related to personnel

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.

- 2009-424 Consider and act upon minutes from City Council meeting of November 10, 2009
- 2009-425 Consider and act upon a resolution authorizing the Ellis County Toy Run (Motorcycle Parade). The event will be hosted by the Gryphons Motorcycle Club of Ellis County on Sunday, December 13th, 2009, 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. RES03-2009-09)

REGULAR AGENDA

- 2009-426 Citizens to be Heard
- 2009-427 Consider and act upon a resolution to cast votes to elect directors for the Ellis County Appraisal District for the years 2010-2011
- 2009-428 Consider and act upon a consulting services contract with Economists.com for a comprehensive Water / Wastewater Rate Study and long-term financial plan for the City of Midlothian for an amount not to exceed \$29,000
- 2009-429 Consider and act upon an ordinance amending the FY 2009-2010 General Fund Budget appropriations in the amount of \$312,988 from the Unreserved Fund Balance for expenditures not encumbered nor expended from the FY 2008-2009 budget; 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

- 2009-430 Consider and act upon an ordinance amending the FY 2009-2010 Utility Services Fund budget appropriations in the amount of \$405,772 from the Utility Fund Unreserved Fund Balance for expenditures not encumbered nor expended from FY 2008-2009; 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
- 2009-431 Consider and act upon an ordinance amending the FY 2009-2010 General Fund Budget appropriations in the amount of \$66,843.22 from the Unreserved Fund Balance for expenditures encumbered but not yet expended from FY 2008-2009; 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
- 2009-432 Consider and act upon an ordinance amending the FY 2009-2010 Utility Services Fund Budget appropriations in the amount of \$1,166,167 from the Utility Fund Unreserved Fund Balance for expenditures encumbered but not yet expended from FY 2008-2009; 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.
- 2009-433 Consider and act upon a request to approve the expenditure of unappropriated funds (the Environmental Mitigation Fund) for continuation of the restoration of the 1918 Model-T fire truck and associated Old Fire House renovations, not to exceed \$45,786.00
- 2009-434 Consider and discuss recent progress made by the Development Incentives Group in its effort to identify strategies to incentivize growth in a recessionary period
- 2009-435 Consider and act upon authorizing Don Stout, Attorney for the City of Midlothian, acting on behalf of Midlothian and Waxahachie, to file Objections to the Award rendered by the special commissioners in Cause No. 09-C-3214, The City of Midlothian and City of Waxahachie vs. Sid Strebeck aka Sidney Strebeck, et al 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

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: Deliberate and consider the acquisition of real property necessary for roadway and parks improvement projects
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

6. Section 551.071 Legal Consultation with attorney regarding Cause No. 09-C-3214, The City of Midlothian and City of Waxahachie vs. Sid Strebeck aka Sidney Strebeck, et al

REGULAR AGENDA

- 2009-436 Action resulting from Executive Session, Item #1: Randall Denton, Cause No. 75885
2009-437 Action resulting from Executive Session, Item #2: TCBL, Cause No. 3-07-CV-1351-N
2009-438 Action resulting from Executive Session, Item #3: TCBL, Cause No. 67202
2009-439 Action resulting from Executive Session, Item #4: Acquisition of real property
2009-440 Action resulting from Executive Session, Item #5: Kehe Foods
2009-441 Action resulting from Executive Session, Item #6: Sid Strebeck
2009-442 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 20th day of November, 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.**