

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

September 9, 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

2008-331 Citizens to be Heard

2008-332 Announcements/Presentations

1. Staff presentation – Highlights of City’s Green initiatives
2. Constitution Week Proclamation
3. City Council announcements
4. City Manager 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.

2008-333 Consider and act upon minutes from City Council meeting of August 26, 2008

2008-334 Consider and act upon the Impact Fee Advisory Committee’s Status Report to the City Council regarding the Midlothian Impact Fee Program

2008-335 Consider and act upon authorizing the Mayor to sign a Certification Letter to the Office of the Texas Attorney General stating that the City of Midlothian Impact Fee Program is in compliance with Texas Local Government Code, Chapter 395

2008-336 Consider and act upon an Ordinance of the City Council of the City of Midlothian, Texas approving a negotiated resolution between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division (“Atmos Mid-Tex” or “the company”) regarding the company’s rate review mechanism filing in all cities exercising original jurisdiction; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement and finding the rates to be set by the attached tariffs to be just and reasonable; approving Atmos’ proof of revenues; adopting a savings clause; determining that this Ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; declaring an effective date; and requiring delivery of this Ordinance to the company and legal counsel

2008-337 Consider and take action to renew the Interlocal Agreement between North Central Texas Council of Governments and City of Midlothian for 911 service, equipment, addressing and data base maintenance

PUBLIC HEARINGS

2008-338 Conduct a public hearing and act upon a Specific Use Permit (SUP) request for a pole sign with an electronic marquee display for the LaRue Miller Elementary School; property contains ± 12.742 acres located in the MISD Sudith Lane Addition (Lot 1,

- 2008-338 Block 1), currently zoned General Professional (GP) District, and is generally located (cont'd) east of Sudith Lane and ± 660 feet south of Somerset Lane, in the City of Midlothian, Texas (Case No. SUP15-2007-95)
- 2008-339 Conduct a public hearing regarding the proposed FY 2008-2009 Annual Operating Budget for the City of Midlothian and act upon an Ordinance adopting the FY 2008-2009 Annual Operating Budget and plan for municipal services for the ensuing fiscal year beginning October 1, 2008 and ending September 30, 2009, in accordance with Local Government Code §102; appropriating money to a Sinking Fund to pay interest and principal on the City's indebtedness; appropriating the various amounts thereof; repealing conflicting Ordinances and Resolutions; including a severability clause and establishing an effective date

REGULAR AGENDA

- 2008-340 Consider and act upon an Ordinance, by record vote of the City Council of the City of Midlothian, Texas, levying and assessing municipal ad valorem taxes for the City of Midlothian, for the fiscal year 2008-2009, at twenty-five and 0.006247 cents (\$ 0.256247) for Maintenance and Operations and thirty-nine and 0.003753 cents (\$ 0.393753) for Interest and Sinking Funds, for a total of sixty-five and no cents (\$ 0.65), specifically for the purpose for which said taxes may be expended and directing the assessment and collection thereof; repealing conflicting Ordinances and Resolutions; including a severability clause and establishing an effective date; this tax rate will raise more taxes for Maintenance and Operations than last year's tax rate; the tax rate will raise taxes for Maintenance and Operations on a \$100,000 home by approximately \$0.75 (75 cents) per year
- 2008-341 Consider and act upon taking a vote to ratify a property tax increase as reflected in the FY 2008-2009 Annual Operating Budget when compared to the FY 2007-2008 Annual Operating Budget; this Budget will raise more total property taxes than last year's Budget by \$783,828 or 6.3%, and of that amount \$404,354 is tax revenue to be raised from new property added to the tax roll this year
- 2008-342 Consider and act upon an Ordinance of the City Council of the City of Midlothian, Texas, providing for a seventy thousand dollar (\$70,000) residential homestead exemption for persons sixty-five years of age or older from all ad valorem taxes hereafter levied and providing an exemption for disabled veterans based upon the degree of their disability; repealing conflicting Ordinances and Resolutions; including a severability clause and establishing an effective date
- 2008-343 Consider and act upon approving the FY 2008-2009 Midlothian Development Authority's Annual Operating Budget
- 2008-344 Receive a presentation regarding the Mockingbird Lane Capital Improvement Project and provide direction to staff
- 2008-345 Consider and act upon a two-year technical services contract with the Trinity River Authority of Texas (TRA) for industrial inspection services, industrial sampling services and analytical services in an amount not to exceed \$20,000

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 551.072 Real Estate: Deliberate and consider the acquisition of real property necessary for right-of-way acquisitions
2. 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
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. 67202, Midlothian v. Texas Central Business Lines Corporation, et al, pursuant to attorney's ethical duty to advise City regarding such matters

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- 2008-346 Action resulting from Executive Session, Item #1: Right-of-Way Acquisitions
- 2008-347 Action resulting from Executive Session, Item #2: Randall Denton
- 2008-348 Action resulting from Executive Session, Item #3: TCBL, Cause No. 3-07-CV-1351-N
- 2008-349 Action resulting from Executive Session, Item #4: TCBL, Cause No. 67202
- 2008-350 Adjourn

I, Lou Jameson, 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 5th day of September, 2008, at or before 5:00 p.m.



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.**