

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

November 25, 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

2008-445 Citizens to be Heard

2008-446 Announcements/Presentations

1. City Council/City Manager – Staff Recognition and Community Achievements
 - a. Recognition of Municipal Court Clerks for certification completion
 - b. Swearing-in of Reserve Police Officers
 - c. Recognition of recent promotions in the Police Department
 - d. 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.

2008-447 Consider and act upon minutes from City Council meetings of November 11 and 13, 2008

2008-448 Consider and act upon a resolution authorizing the annual Christmas Parade, tree lighting, and concert/toy collection drive. The event will be hosted by the Midlothian Downtown Business Association and the City of Midlothian Parks and Recreation Department on Monday, December 1, 2008, 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. RES02-2008-06)

2008-449 Consider and act upon staff's request to purchase one 2009 Ford F-250 Super Cab for the new Animal Control/Code Enforcement position as approved in the FY 2008/09 Budget

2008-450 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 \$148,506 from the Unreserved Fund Balance for expenditures not encumbered nor expended from FY 2007-2008; 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

2008-451 Consider and act upon an ordinance of the City Council of the City of Midlothian, Texas, amending the FY 2008-2009 Utility Services Fund Budget Appropriations in the amount of \$1,749,351 from the Unreserved Fund Balance for expenditures not encumbered nor expended from FY 2007-2008; 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

REGULAR AGENDA

- 2008-452 Consider and act upon an ordinance providing for the extension of certain boundary limits of the City of Midlothian, Texas, and the annexation of certain territory consisting of approximately 256 acres of land (Tract A – Hidden Creek/Country East), said land being surrounded by the present boundary limits of the City of Midlothian; providing the annexed property shall be subject to the ad valorem taxes levied by the City of Midlothian and that the inhabitants of the annexed property shall be entitled to all rights and privileges of all the resolutions and regulations of the City of Midlothian now in effect and hereinafter adopted; providing a severability clause; providing for an effective date (AX02-2005-42A)
- 2008-453 Consider and act upon an ordinance providing for the extension of certain boundary limits of the City of Midlothian, Texas, and the annexation of certain territory consisting of approximately 985 acres of land (Tract B – Starwashed Road vicinity), said land being surrounded by the present boundary limits of the City of Midlothian; providing the annexed property shall be subject to the ad valorem taxes levied by the City of Midlothian and that the inhabitants of the annexed property shall be entitled to all rights and privileges of all the resolutions and regulations of the City of Midlothian now in effect and hereinafter adopted; providing a severability clause; providing for an effective date (AX02-2005-42A)

PUBLIC HEARINGS

- 2008-454 Conduct a public hearing to consider and act upon an Ordinance regarding a Specific Use Permit (SUP) request for a hotel on property currently zoned Planned Development 4 (PD-4). Property contains ± 3.677 acres and is generally located at the southeast corner of US Hwy 287 and Old Fort Worth Road, in the City of Midlothian, Texas (Case No. SUP17-2007-100)

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. 70419, George Slayton and Roberta Slayton v. City of Midlothian and Oscar Renda Contracting, Inc., 40th District Court, Ellis County, Texas

REGULAR AGENDA

- 2008-455 Action resulting from Executive Session, Item #1: Randall Denton
- 2008-456 Action resulting from Executive Session, Item #2: TCBL, Cause No. 3-07-CV-1351-N
- 2008-457 Action resulting from Executive Session, Item #3:TCBL, Cause No. 67202

2008-458 Action resulting from Executive Session, Item #4: Slayton

2008-459 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, 2008, 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.**