

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

December 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

2008-460 Citizens to be Heard

2008-461 Announcements/Presentations

1. City Council/City Manager – Staff Recognition and Community Achievements
 - a. City of Midlothian Energy Efficiency Opportunities in 2009 Presentation
 - b. Quarterly Investment Report by Linda Patterson of Patterson & Associates
 - c. 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.

2008-462 Consider and act upon an Ordinance approving an electric supply contract through Cities Aggregation Power Project (CAPP) providing for capacity payments, pledging and leveraging ad valorem tax to such payments, and authorizing the City Manager or designee to execute related documents including member contract, disclosure, acknowledgment and modifications

2008-463 Consider and act upon a one-year contract with Ellis County Emergency Services District No. 2

PUBLIC HEARINGS and REGULAR AGENDA

2008-464 Continue a public hearing to consider and act upon an Ordinance amending the City's Zoning Ordinance, Ordinance No. 89-13, as amended, amending Article VII, Section 7.4 (Sign Regulations) by adding, deleting and modifying certain sections and subsections to regulate electronic media; providing a conflicts clause; providing a severability clause, and providing for an effective date (Case No. OZ11-2007-86)

2008-465 Conduct a public hearing to consider and act upon an Ordinance regarding a Specific Use Permit (SUP) request for CrossPointe Church to allow the modification of an existing pole sign on property currently zoned Commercial (C) District. Property is located at 4420 E. Hwy. 287 and contains ± 4.69 acres generally located south of US Hwy. 287 and ± 650 feet east of Bryan Place, in the City of Midlothian, Texas (Case No. SUP01-2008-02)

REGULAR AGENDA

- 2008-466 Consider and act upon a thirty-six month fair market value lease with Dell Computers with a total equipment cost of \$67,744.71 for the lease of 33 Dell Optiplex 755 computers, monitors and 15 Dell laptops as part of the City's replacement program as approved in the capital equipment program and the FY 2008-2009 Budget
- 2008-467 Consider and act upon a request to encroach a portion of the right-of-way of South First Street to allow placement of a carport. Property contains ± 0.396 acres, out of Original Town Lots 3A, 3B and 3C, Block 62 is generally located east of South 1st Street and north of Avenue I, in the City of Midlothian, Texas
- 2008-468 Consider and act upon a "Temporary Contract Relating to Raw Water Diversions from Joe Pool Reservoir" with Carrizo Oil & Gas, Inc. for the diversion and purchase of up to 12 million gallons of raw water for gas well drilling operations
- 2008-469 Consider and take action to approve a contract with Suntec Industries, to fabricate and install a monument sign at the Midlothian Conference Center, in an amount not to exceed \$33,300
- 2008-470 Consider and act upon an ordinance of the City of Midlothian, amending the FY 2008-2009 General Fund Budget Appropriations in the amount of \$43,558.00 from the Unreserved Fund Balance to employ a Maintenance Worker I to maintain the Sports Park; the Midlothian Independent School District will reimburse the City of Midlothian for all Personnel costs per an executed Agreement between the City of Midlothian and the Midlothian Independent School District

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 551.071 Legal: Threatened litigation correspondence received November 24, 2008 from counsel for Valeria Espinoza; claim for negligence and defective premises against the City of Midlothian and Midlothian ISD

REGULAR AGENDA

- 2008-471 Action resulting from Executive Session, Item #1: Randall Denton
- 2008-472 Action resulting from Executive Session, Item #2: TCBL, Cause No. 3-07-CV-1351-N
- 2008-473 Action resulting from Executive Session, Item #3:TCBL, Cause No. 67202
- 2008-474 Action resulting from Executive Session, Item #4: Ken Chambers
- 2008-475 Action resulting from Executive Session, Item #5: Mid-Way Airport
- 2008-476 Action resulting from Executive Session, Item #6: Valeria Espinoza
- 2008-477 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 5th day of December, 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.**