

**NOTICE OF A REGULAR MEETING  
OF THE GOVERNING BODY  
OF THE CITY OF MIDLOTHIAN, TEXAS  
AUGUST 28, 2007**

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

2007-407 Citizens to be Heard

2007-408 Announcements/Presentations

1. Recognize Water Treatment Plant personnel for distinguished award
2. City Council announcements
3. City Manager announcements

**WORKSHOP**

2007-409 Water Treatment Plant Analysis Workshop

**CONSENT AGENDA**

*All matters listed under Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.*

2007-410 Consider and act upon minutes from City Council meeting of August 14, 2007

2007-411 An ordinance amending Ordinance 2000-50, Section 6- Levy of Fees for Garbage/Refuse and Recycling Collection Service, by increasing garbage and refuse collection service fees from \$10.61 (inclusive of tax) to \$10.98 (inclusive of tax) and increasing recycling collection service fees from \$2.55 (inclusive of tax) to \$2.57 (inclusive of tax); establishing a severability clause and repealer clause and setting an effective date

2007-412 Consider and act upon authorizing the use of Council Contingency Funds for the purpose of purchasing and installing two ceiling mounted projectors and two ceiling mounted screens and an Elmo P100 Visual Presenter and eighty (80) visitor chairs for the council chambers for a total cost of \$18,100

2007-413 Consider and act upon an ordinance of the city of Midlothian, Texas, amending Ordinance 2005-29, High Grass and Weeds, Section 3 – Notice of Failure to Comply; Abatement of Nuisance by providing that notification for violators per property violation of the same kind or nature committed within the same twelve (12) month period shall not require additional notice; providing for a severability clause and establishing an effective date

2007-414 Consider and act upon an ordinance of the city of Midlothian, Texas, amending Ordinance 2006-13, Trash, Junk and Debris on Private or Public Property, Section 2: Unlawful Activities Enumerated by providing that subsequent violations of the same kind or nature committed with the same twelve (12) month period shall not require additional notice, providing a severability clause and effective date

- 2007-415 Consider and act upon an ordinance of the city of Midlothian, Texas, amending Ordinance 2000-53, by increasing temporary food permit fees contained in Section 4(C) – Permits and Exceptions; increasing food establishment permit fees contained in Section 5(d) – Application for Permits and Fees; and adding a requirement that an individual holding a food protection management certificate be present during hours of operation contained in Section 7(a) – Food Protection Manager Certification; providing a severability clause and establishing an effective date
- 2007-416 Consider and act upon a request to increase the Police Department vehicle fleet by (1) 1991 Chevrolet Blazer and (1) 1983 Chevrolet Bus
- 2007-417 Consider and act upon a resolution of the city of Midlothian, Texas denying the request of Atmos Energy Corp., Mid-Tex Division for an annual gas reliability infrastructure program (GRIP) rate increase in this municipality, as a part of the company’s statewide gas utility distribution system; supporting statutory reform of the Texas GRIP statute, finding that the meeting at which this resolution is passed is open to the public; and providing for notice of this resolution to Atmos Energy Corp., Mid-Tex Division and the City's legislative delegation
- 2007-418 Consider and act upon an ordinance amending the Building Permit Fee Schedule of the city of Midlothian, Texas, as established by Ordinance No. 2001-49, as amended by Ordinance 2002-30; to amend the building permit fee, electrical permit fee, plumbing permit fee and the mechanical permit fee; and, providing a severability clause, and providing for an effective date

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

- 2007-419 Conduct a public hearing regarding the proposed FY 2007-2008 ad valorem tax rate
- 2007-420 Conduct a public hearing regarding the proposed FY 2007-2008 Annual Operating Budgets for the city of Midlothian
- 2007-421 Consider and act upon an ordinance amending Ordinance No. 100, clarifying appointment procedures, terms of office, procedure, scope and establishing rules of procedure for the Planning & Zoning Commission and repealing any other ordinances in conflict with the terms of this ordinance, providing a severability clause and an effective date (Case no. M35-2006-136)

#### **REGULAR AGENDA**

- 2007-422 Consider and act upon an Engineering Services Agreement for design and related professional services for the remaining 2006 Street Bond Projects with Schrickel, Rollins and Associates, Inc., (SRA), in an amount not to exceed \$1,064,400
- 2007-423 Consider and act upon a resolution expressing official intent to reimburse costs of street improvements
- 2007-424 Consider and act upon authorizing the expenditure of up to \$85,000 to Sardis-Lone Elm Water Supply Corporation for relocating their existing water lines that are in conflict with the Mt. Zion Road Capital Improvement Project
- 2007-425 Consider and act upon authorizing Change Order No. 1 to XIT Paving & Construction, Inc. for construction of the additional two lanes on Mt. Zion Road in an amount not to exceed \$122,047.39

2007-426 Consider and act upon nominations to various boards and commissions:

- Utility Advisory Board

### 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. 70419, George Slayton and Roberta Slayton v. City of Midlothian and Oscar Renda Contracting, Inc., 40<sup>th</sup> District Court, Ellis County, Texas
2. 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
3. Section 551.071 Legal: Consultation with attorney regarding Cause No. 74216, Letha Black v. City of Midlothian, et al
4. Section 551.071 Legal: Consultation with attorney regarding issues related to Wax-Mid, Inc. Certificate of Convenience and Necessity Permit application status
5. Section 551.071 Legal: Consultation with attorney regarding Cause No. 72768, Robert Ratzman, et al, v. City of Midlothian
6. **Section 551.071 Legal: Consultation with attorney regarding legal issues related to pending annexation of areas subject to a municipal annexation plan, pursuant to attorney's ethical duty to advise City regarding such matters**
7. Section 551.072 Real Estate: Deliberation regarding real property – potential swap of real estate parcels between City of Midlothian and Midlothian Independent School District located along Hwy 287 Bypass
8. Section 551.072 Real Estate: Deliberate and consider the acquisition of real property necessary for roadway and parks improvement projects
9. **Section 551.072 Real Estate: Deliberation regarding real property – Mt. Zion Road Improvement Project right-of-way acquisitions**
10. Section 551.071 Legal: Consultation with attorney regarding ethical duty to advise regarding litigation concerning the construction of the Midlothian Conference Center and Senior Citizen's Center
11. **Section 551.071 Legal: Consultation with attorney regarding Cause No. 07-C-3025, Ken Halverson v. City of Waxahachie, City of Midlothian, and Midlothian-Waxahachie Airport Board**
12. **Section 551.071 Legal – Consultation with attorney regarding Cause No. 3-07-CV-1351-N, Texas Central Business Lines Corporation v. City of Midlothian**
13. **Section 551.074 Personnel Matters – To deliberate employment agreements of the City Manager and City Manager in Transition**
14. **Section 551.086 Deliberation regarding economic development negotiations regarding Project Target**

### REGULAR AGENDA

- 2007-427 Action resulting from Executive Session, Item # 1: Legal - Slayton
- 2007-428 Action resulting from Executive Session, Item # 2: Legal – TCBL
- 2007-429 Action resulting from Executive Session, Item # 3: Legal – Black
- 2007-430 Action resulting from Executive Session, Item # 4: Legal – Wax-Mid, Inc. CCN
- 2007-431 Action resulting from Executive Session, Item # 5: Legal – Ratzman
- 2007-432 Action resulting from Executive Session, Item # 6: Legal – Annexation
- 2007-433 Action resulting from Executive Session, Item # 7: Real Estate – Hwy 287 Bypass land swap with MISD
- 2007-434 Action resulting from Executive Session, Item # 8: Real Estate – Property acquisition
- 2007-435 Action resulting from Executive Session, Item # 9: Real Estate – Mt. Zion Road
- 2007-436 Action resulting from Executive Session, Item #10: Legal – Conference Center and Senior Citizen’s Center
- 2007-437 Action resulting from Executive Session, Item #11: Legal – Ken Halverson
- 2007-438 Action resulting from Executive Session, Item #12: Legal – Texas Central Business Lines Corporation
- 2007-439 Action resulting from Executive Session, Item #13: Personnel Matters – employment agreements
- 2007-440 Action resulting from Executive Session, Item #14: Economic Development – Project Target
- 2007-441 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 24<sup>th</sup> day of August 2007, 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.**