

**NOTICE OF A REGULAR MEETING
OF THE GOVERNING BODY
OF THE CITY OF MIDLOTHIAN, TEXAS
SEPTEMBER 25, 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

2007-474 Citizens to be Heard

2007-475 Announcements/Presentations

1. City Council announcements
2. 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. 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.

2007-476 Consider and act upon minutes from City Council meeting of September 11, 2007

2007-477 Consider and act upon writing-off aged accounts receivable EMS ambulance billings older than nine months in accordance with established policy

2007-478 Consider and act upon a Tower/Land Lease Agreement with TierOne Converged Networks, Inc. for the installation of radio communication equipment on and at the City's Water Tower No.2 (Mockingbird Tower)

2007-479 Consider and act upon authorizing the use of Council Contingency Funds for the purpose of purchasing and installing one ceiling mounted projector, two ceiling mounted screens, an Elmo P100 Visual Presenter, four guest chairs, eighty visitor chairs for the council chambers, and two chair trucks for a total cost of \$12,500

2007-480 Consider and act upon a resolution of the City of Midlothian, Texas, designating the authorized signatories for drawdown requests from the Office of Rural Community Affairs for all of the City's Texas Community Development Program Projects

2007-481 Consider and act upon a resolution of the City of Midlothian, Texas, designating the month of October, 2007, as Fair Housing Month and supporting fair housing activities within the City

PUBLIC HEARINGS and REGULAR AGENDA

2007-482 Conduct a public hearing and act upon an ordinance of the City of Midlothian, Texas to tax tangible personal property in transit which would otherwise be exempt pursuant to Texas Tax Code, Section 11.253

2007-483 Conduct a public hearing and act upon an ordinance regarding amendments to the City of Midlothian Comprehensive Plan Ordinance 2007-15, Thoroughfare Map (Case No. OZ07-2006-149) to consider amending the Thoroughfare Plan by revising certain road segments on the Thoroughfare Plan Map including but not limited to the realignment of the proposed Ledgestone Lane; providing a severability clause & an effective date

- 2007-484 Conduct a public hearing and act upon an ordinance regarding a rezoning request of Original Town, Block 29, Lot 2, from its current General Professional (GP) District to an Urban Village Planned Development (UVPD) District for office and residential uses (Case No. Z05-2006-99). Property contains ± 0.158 acres and is generally located 236 feet south of West Main Street and west of South 6th Street, in the City of Midlothian, Texas
- 2007-485 Conduct a public hearing and act upon an ordinance regarding a Specific Use Permit (SUP) to allow drilling of up to five (5) gas wells on the Ash Grove “L” drill site (Case No. SUP09-2006-131). Pad site is ± 3.40 acres in the North Texas Cement Company out of a ± 11.68-acre lease area. Property is zoned Heavy Industrial (HI) and generally located west of U.S. Hwy. 67 and south of Gifco Road
- 2007-486 Conduct a public hearing and act upon an ordinance regarding a rezoning request of the Redden Tract, currently zoned Single Family Three (SF-3) to a proposed Planned Development (PD) District with residential lot sizes ranging from 2,500 to at least 14,000 square feet (± 248.56 acres), mixed-use for Retail and Office (± 12.02 acres) and an Office Park (± 38.4 acres) and Green Open Space (Case no. Z06-2006-100). Property contains ± 299.42 acres, and is generally located south of FM 1387 and ± 3,150 feet west of Walnut Grove Road, in the City of Midlothian, Texas
- 2007-487 Conduct a public hearing and act upon an ordinance regarding a rezoning request from Fulson Midlothian Partners, LP on property currently zoned Single Family One (SF-1), Single Family Four (SF-4) and Commercial (C) to a proposed Planned Development (PD) District with residential uses (± 130 acres), commercial/community retail/multi-family uses (±83 acres), Commercial/Community Retail Uses (± 106 acres), Mixed-Use District (± 96 acres), and Open Space (± 127 acres) (Case No. Z07-2006-104). Property contains ± 560.44 acres, and is generally located north of US Highway 287 and west of US Highway 67, in the City of Midlothian, Texas
- 2007-488 Conduct a public hearing and act upon an ordinance regarding a rezoning request of the Harding G. Calvert tract currently zoned Agricultural (A) and Single Family Two (SF-2) Districts to a Planned Development (PD) District (Case No. Z09-2006-120). Property contains ± 106 acres, and is generally located east of FM 663 and 218 feet south of Hill Meadow, in the City of Midlothian, Texas

REGULAR AGENDA

- 2007-489 Consider and act upon an Engineering Services Agreement with Schrickel, Rollins and Associates, Inc. for Phase I design on Water Treatment Plant No. 2 in an amount not to exceed \$1,204,400
- 2007-490 Consider and act upon funding the City’s portion of a change order in the amount of \$32,198 for an additional airport box hangar taxiway and waterline extension
- 2007-491 Consider and act upon a resolution authorizing Don Hastings, City Manager for the City of Midlothian, acting on behalf of the City of Midlothian, to make a formal offer to Keith Tucker and Kim Tucker in the amount of \$8,732.00 for right-of-way acquisition, easements and damages
- 2007-492 Consider and act upon a resolution authorizing Don Hastings, City Manager for the City of Midlothian, acting on behalf of the City of Midlothian, to make a formal offer to William M. Haley and Monna K. Haley in the amount of \$15,794.00 for right-of-way acquisition, easements and damages

- 2007-493 Consider and act upon nominations to various boards and commissions:
- Utility Advisory Board
 - Midlothian Development Authority
 - Historic Advisory Board
- 2007-494 Consider and act upon the annual appointment of a Midlothian Development Authority (MDA) Chairperson

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., 40th 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 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**
6. 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
7. **Section 551.072 Real Estate: Deliberate and consider the acquisition of real property necessary for roadway and parks improvement projects**
8. **Section 551.072 Real Estate: Deliberation regarding real property – Mt. Zion Road Improvement Project right-of-way acquisitions**
9. 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
10. 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
11. **Section 551.071 Legal – Consultation with attorney regarding Cause No. 3-07-CV-1351-N, Texas Central Business Lines Corporation v. City of Midlothian**
12. Section 551.086 Deliberation regarding economic development negotiations regarding Project Target

REGULAR AGENDA

- 2007-495 Action resulting from Executive Session, Item #1: Legal - Slayton
- 2007-496 Action resulting from Executive Session, Item #2: Legal – TCBL
- 2007-497 Action resulting from Executive Session, Item #3: Legal – Black
- 2007-498 Action resulting from Executive Session, Item #4: Legal – Wax-Mid, Inc. CCN
- 2007-499 Action resulting from Executive Session, Item #5: Legal – Annexation
- 2007-500 Action resulting from Executive Session, Item # 6: Real Estate – Hwy 287 Bypass land swap with MISD
- 2007-501 Action resulting from Executive Session, Item #7: Real Estate – Property acquisition
- 2007-502 Action resulting from Executive Session, Item #8: Real Estate – Mt. Zion Road
- 2007-503 Action resulting from Executive Session, Item #9: Legal – Conference Center and Senior Citizen’s Center
- 2007-504 Action resulting from Executive Session, Item #10: Legal – Ken Halverson
- 2007-505 Action resulting from Executive Session, Item #11: Legal – Texas Central Business Lines Corporation
- 2007-506 Action resulting from Executive Session, Item #12: Economic Development – Project Target
- 2007-507 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 21st day of September, 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.**