

**NOTICE OF A REGULAR MEETING  
OF THE GOVERNING BODY  
OF THE CITY OF MIDLOTHIAN, TEXAS  
NOVEMBER 13, 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

2007-568 Citizens to be Heard

2007-569 Announcements/Presentations

1. City Council announcements
2. City Manager announcements
3. Hospice Month proclamation
4. Problem Solvers presentation

**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.*

2007-570 Consider and act upon minutes from City Council meetings of October 9, 22 and 23, 2007

2007-571 Consider and act upon an ordinance of the City Council of the City of Midlothian Texas, reserving funds for the Annual Operating General and Utility Services Fund for the ensuing fiscal year beginning October 1, 2007 and ending September 30, 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

**PUBLIC HEARINGS and REGULAR AGENDA**

2007-572 Continue a public hearing and act upon an ordinance regarding a rezoning request for the Parc at Midlothian, to consider a request to rezone  $\pm$  22.38 acres from the current Planned Development Four (PD-4) and Single Family One (SF-1) to a proposed Planned Development (PD) District for Multi-Family Uses, property is located west of Walter Stephenson Road and  $\pm$  100 ft. south of Sierra Vista (Case No. Z11-2006-134)

2007-573 Continue a public hearing and act upon an ordinance regarding a rezoning request for Milligan Addition, Lot 13A, Block 2 from the current Commercial (C) District to an Urban Village Planned Development (UVPD) District for Professional Office & Personal Services including Beauty Care (Case No. Z12-2006-147). Property contains  $\pm$  0.264 acres and is located at the northeast intersection of W. Ave. B and N. 8th Street

2007-574 Conduct a public hearing and act upon 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 is located  $\pm$  236 feet south of West Main Street and west of South 6th Street

- 2007-575 Conduct a public hearing act upon a request to rezone property known as 1404 North 9th Street from a Commercial (C) District to a Planned Development (PD) District for Retail and Office Uses, and a Residential (Second-Story Loft) Use, property contains ± 0.545 acres and is generally located east of North 9<sup>th</sup> Street and ± 350 feet north of US Hwy.67 southbound service road (Case No. Z03-2007-09)
- 2007-576 Conduct a public hearing to consider and act and upon amendments to Midlothian Zoning Ordinance 89-13, as amended, specifically amending Article 3 (Definitions) and Article 4.4 (Use Table); and, any other corresponding additions, deletions or changes to various sections, articles and provisions contained in said Zoning Ordinance (Case No. OZ02-2007-10)

### **REGULAR AGENDA**

- 2007-577 Consider and act upon a proposal to change the design of the Police Department's uniform
- 2007-578 Consider and take action to approve additional certification pay incentives to the City of Midlothian's current Certification Pay Plan Schedule
- 2007-579 Consider and act upon a Street Rehabilitation Contract with Lindsey Contractors, Inc., of Waco, Texas through the utilization of an existing contract with the City of Midlothian for various street rehabilitation projects throughout the City, in an amount not to exceed \$200,000
- 2007-580 Consider and act upon a contract with Dustrol, Inc., of Roanoke, Texas through the utilization of an Interlocal Cooperation Agreement with Tarrant County for milling and recycling, on an as needed basis for an amount not to exceed \$75,000
- 2007-581 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 Alton Roy Snow and Sallie Snow in the amount of \$13,652 for right-of-way acquisition, easements and damages
- 2007-582 Consider and act upon a bid award to Fox Contractors, Inc., of Midlothian, Texas, for construction of the Plum Creek Sanitary Sewer Project in a total bid amount not to exceed \$809,444
- 2007-583 Consider and act upon a resolution to cast votes to elect Directors for the Ellis County Appraisal District for the years 2008-2010
- 2007-584 Consider and act upon nominations to various boards and commissions:
  - Historic Advisory Board
  - Park Board
  - Midlothian Community Development Corp. (4B)

### **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 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 551.071 Legal: Consultation with attorney based on an ethical duty to advise concerning potential litigation related to the rezoning of 22.38 acres of land located on the west side of Walter Stephenson Road, north of the Hwy. 287 Bypass, said rezoning being the pending case of Z11-2006-134, a request to rezone from SF-1 and PD-4 to Planned Development District for Multi-Family Uses**

#### REGULAR AGENDA


- 2007-585 Action resulting from Executive Session, Item #1: Legal - Slayton
- 2007-586 Action resulting from Executive Session, Item #2: Legal – TCBL
- 2007-587 Action resulting from Executive Session, Item #3: Legal – Black
- 2007-588 Action resulting from Executive Session, Item #4: Legal – Wax-Mid, Inc. CCN
- 2007-589 Action resulting from Executive Session, Item #5: Legal – Annexation
- 2007-590 Action resulting from Executive Session, Item # 6: Real Estate – Hwy 287 Bypass land swap with MISD
- 2007-591 Action resulting from Executive Session, Item #7: Real Estate – Property acquisition
- 2007-592 Action resulting from Executive Session, Item #8: Real Estate – Mt. Zion Road
- 2007-593 Action resulting from Executive Session, Item #9: Legal – Conference Center and Senior Citizen's Center
- 2007-594 Action resulting from Executive Session, Item #10: Legal – Ken Halverson

2007-595 Action resulting from Executive Session, Item #11: Legal – Texas Central Business Lines Corporation

2007-596 Action resulting from Executive Session, Item #12: Legal – 22.38 acres, Zoning Case Z11-2006-134

2007-597 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 9<sup>th</sup> day of November, 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.**