

**NOTICE OF A REGULAR MEETING
OF THE GOVERNING BODY
OF THE CITY OF MIDLOTHIAN, TEXAS
DECEMBER 11, 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

2007-638 Citizens to be Heard

2007-639 Announcements/Presentations

1. City Council announcements and Special Presentations
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.

2007-640 Consider and act upon minutes from City Council meeting of November 27, 2007

2007-641 Consider and act upon the purchase of an Asphalt Zipper 500, with a ZMAG Cutter Head, from Asphalt Zipper, Inc., of American Fork, Utah, utilizing the Houston-Galveston Area Council (HGAC) Purchasing Cooperative, in an amount not to exceed \$100,378

2007-642 Consider and act upon an Engineering Services Agreement with Reed Engineering Group for Phase I and Phase II Geotechnical Engineering and Material Testing Services for Water Treatment Plant No. 2 in an amount not to exceed \$123,000

2007-643 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; 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

PUBLIC HEARINGS and REGULAR AGENDA

2007-644 Conduct a public hearing to consider and act upon an ordinance establishing regulations for the purpose of selling or distributing any beer, liquor, wine or other alcoholic beverage within the City of Midlothian; requiring compliance with the Zoning Ordinance; adopting distance regulations from churches, public hospitals, public and private schools; providing for exception to distance requirements; authorizing a permit fee; prohibiting the sale of beer and wine in residential areas; establishing the hours of operation; making this ordinance cumulative of prior ordinances; repealing all ordinances of the City of Midlothian in conflict herewith; providing a severability clause; providing a penalty clause; providing a savings clause; providing for publication; and providing an effective date (Case No. M04-2007-27)

- 2007-645 Conduct a public hearing to consider and act upon an ordinance regarding a Specific Use Permit (SUP) to allow drilling of up to four (4) additional gas wells in the Westside Preserve Planned Development (PD-18) (Case No. SUP03-2007-16). Proposed gas well site contains ± 4.64 acres, and is located south of W. U.S. Highway 287 and ± 900 feet east of Ward Road
- 2007-646 Continue a public hearing and act upon an ordinance regarding a rezoning request of ± 299.42 acres, 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), a mixed-use for Retail and Office (± 12.02 acres) and an Office Park (± 38.4 acres) and Green Open Space; property is generally located south of FM 1387 and ± 3,150 feet west of Walnut Grove Road (Case No. Z06-2006-100)
- 2007-647 Continue a public hearing and act upon an ordinance regarding a rezoning request of ± 0.7169 acres currently zoned Agricultural (A) District to a Planned Development (PD) District to be included with the current Redden Farms Planned Development rezone request, Case No. Z06-2006-100. Property is generally located north of U.S. Highway 287 and ± 810 feet east of Primrose (Case No. Z02-2007-08)
- 2007-648 Continue a public hearing and act upon a rezoning request of ±560.44 acres (Fulson Midlothian Partners, LP) on property currently zoned Single Family One (SF-1), Single Family Four (SF-4) and Commercial (C) Districts to a proposed Planned Development (PD) District with Residential Uses (±130 acres), Commercial/Community Retail/Urban Residential Uses (±83 acres), Commercial/Community Retail Uses (±106 acres), Mixed-Use District (±96 acres), and Open Space (±27 acres) (Case No. Z07-2006-104). Property is generally located north of US Highway 287 and west of US Highway 67, in the City of Midlothian, Texas

REGULAR AGENDA

- 2007-649 Consider committing un-budgeted matching funds in the amount of 20% of a grant from the Federal Assistance to Firefighters (Fire Act) Grant Program for the purchase of sixteen new Self-Contained Breathing Apparatus (SCBA) for the Fire Department
- 2007-650 Consider and act upon a construction contract between the City of Midlothian and Hill & Wilkinson, Ltd., for the construction of new Fire Station No. 3, for the maximum guaranteed price of \$1,961,679.00

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 551.071** **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

- 2007-651 Action resulting from Executive Session, Item #1: Legal - Slayton
- 2007-652 Action resulting from Executive Session, Item #2: Legal – TCBL
- 2007-653 Action resulting from Executive Session, Item #3: Legal – Black
- 2007-654 Action resulting from Executive Session, Item #4: Legal – Wax-Mid, Inc. CCN
- 2007-655 Action resulting from Executive Session, Item #5: Legal – Annexation
- 2007-656 Action resulting from Executive Session, Item # 6: Real Estate – Hwy 287 Bypass land swap with MISD
- 2007-657 Action resulting from Executive Session, Item #7: Real Estate – Property acquisition
- 2007-658 Action resulting from Executive Session, Item #8: Real Estate – Mt. Zion Road
- 2007-659 Action resulting from Executive Session, Item #9: Legal – Conference Center and Senior Citizen's Center
- 2007-660 Action resulting from Executive Session, Item #10: Legal – Ken Halverson
- 2007-661 Action resulting from Executive Session, Item #11: Legal – Texas Central Business Lines Corporation
- 2007-662 Action resulting from Executive Session, Item #12: Legal – 22.38 acres, Zoning Case Z11-2006-134
- 2007-663 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 7TH day of December, 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.**