

**NOTICE OF A REGULAR MEETING
OF THE GOVERNING BODY
OF THE CITY OF MIDLOTHIAN, TEXAS
FEBRUARY 26, 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

2008-59 Citizens to be Heard

2008-60 Announcements/Presentations

1. City Council announcements
2. City Manager announcements
3. Receive Quarterly Investment Report from Linda Patterson of Patterson & Assoc.
4. Presentation of City's financial audit for FY 2006-2007 by representatives of Weaver and Tidwell, L.L.P.

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.

2008-61 Consider and act upon minutes from City Council meeting of February 12, 2008

2008-62 Consider and act upon extending audit services with Weaver and Tidwell, L.L.P. an additional year with a one-year extension

2008-63 Consider and act upon approving a one-year contract extension with Wachovia Bank as successor to SouthTrust Bank to provide banking and depository services for the City of Midlothian, Texas

2008-64 Consider and act upon an ordinance of the City of Midlothian, Texas, amending the FY 2007-2008 General Fund budget appropriations in the amount of \$43,220 from the Unreserved Fund Balance for expenditures not encumbered nor expended from FY 2006-2007; 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

2008-65 Consider committing unbudgeted matching funds in the amount of 10% of a grant from the Federal Assistance to Firefighters (Fire Act) Grant Program for the purchase and installation of vehicle exhaust capture systems at Fire Station 1 and Fire Station 2

PUBLIC HEARINGS and REGULAR AGENDA

2008-66 Conduct a public hearing to consider an amendment to Ordinance 2007-15, as amended, the City of Midlothian's Comprehensive Plan; amending the Thoroughfare and Future Land Use Plan by adding and revising certain road segments to the Thoroughfare Plan Map and amending certain land use designations to the Future Land Use Plan providing a severability clause and an effective date (Case No. CP01-2007-06A)

- 2008-67 Conduct a public hearing and act upon a request to approve a Specific Use Permit (SUP) for 4470 E. Hwy 287, Suite 600, located in Walnut Grove Center South, Lot 2R, Block 1 to allow a package store for the sell of beer and wine on property currently zoned Commercial (C) District. Property contains ± 3.34 acres, and is generally located south of US Hwy 287 and east of Plainview Road (Case No. SUP05-2007-33)
- 2008-68 Conduct a public hearing to act and upon a request to rezone property known as Water's Edge from its current Agricultural (A) District to a proposed Single Family One (SF-1) District (Case No. Z05-2006-28) property contains ± 63.093 acres and is generally located west of Walnut Grove Road and north of Mockingbird Lane

REGULAR AGENDA

- 2008-69 Consider and act upon a Memorandum of Understanding between the City of Midlothian and One Windsor Hills, L.P.
- 2008-70 Consider and act upon a Developer's Agreement between the City of Midlothian and Texanna Ranch Property Owner's Association, Inc. (TRPOA). The TRPOA is requesting to create a private subdivision containing private streets, and gated entrances (Case No. M05-2007-46)
- 2008-71 Consider and act upon a bid award to Fox Contractors, Inc. of Midlothian, Texas for construction of the 12" water line in Rex Odom Road in a total base bid amount not to exceed \$177,765
- 2008-72 Consider and act upon a bid award to Circle H Contractors, Inc. of Midlothian, Texas, for construction of the U.S. 287 water line (from N. Prong Creek to Rex Odom Drive) in a total base bid plus alternate bid amount not to exceed \$338,330
- 2008-73 Consider and act upon a request to fund the purchase of a mobile stage with a "movie night in the park" package to be utilized by the City for special events (example: fall festival, movies in the park, concerts, and parades) for an amount not to exceed \$127,000
- 2008-74 Consider and act upon a request to fund the purchase of three (3) Thor Guard Lightning Prediction and Warning Systems for safer operations at the Sports Complex, Jaycee Park, and Hawkins Springs Park for an amount not to exceed \$30,000
- 2008-75 Consider and act upon a bid award to Circle H Contractors, Inc. of Midlothian, Texas, for the 2007-2008 Water and Sewer Rehabilitation Projects in the City of Midlothian in an amount not to exceed \$261,046
- 2008-76 Consider and act upon a contract with Jerry's J&W Carpet of Midlothian, Texas, for the carpet and tile replacement at City Hall not to exceed \$31,000

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. 67202, Midlothian v. Texas Central Business Lines Corporation, et al, pursuant to attorney's ethical duty to advise City regarding such matters
2. Section 551.072 Real Estate: Deliberate and consider the acquisition of real property necessary for roadway and parks improvement projects

3. Section 551.071 Legal: Consultation with attorney regarding Cause No. 3-07-CV-1351-N, Texas Central Business Lines Corporation v. City of Midlothian
4. Section 551.071(2) Legal: Consultation with attorney pursuant to attorney's ethical duty to advise City regarding e-discovery rules relative to City Council business
5. Section 551.074 Personnel Matters: (a)(1) to discuss goals for the City Manager
6. Section 551.086 Economic Development: Deliberation regarding Kehe Foods tax abatement

REGULAR AGENDA

- 2008-77 Action resulting from Executive Session, Item #1: TCBL
- 2008-78 Action resulting from Executive Session, Item #2: Property acquisition
- 2008-79 Action resulting from Executive Session, Item #3: TCBL federal
- 2008-80 Action resulting from Executive Session, Item #4: TCBL federal, e-discovery
- 2008-81 Action resulting from Executive Session, Item #5: Personnel
- 2008-82 Action resulting from Executive Session, Item #6: Kehe Foods
- 2008-83 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 22nd day of February, 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.**