

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

APRIL 10, 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 P.M.

Call to Order, Invocation and Pledge of Allegiance

2007-154 Citizens to be Heard

2007-155 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.

2007-156 Consider and act upon minutes from city council meeting of March 26, 2007

2007-157 Consider and take action to approve a resolution of the City of Midlothian, Texas, endorsing certain legislative changes to enhance the competitive electric market supported by Cities Aggregation Power Project, Inc. ("CAPP")

2007-158 Consider and take action on an Interlocal Agreement between the Midlothian Independent School District and the City of Midlothian, Texas for the assignment of a City of Midlothian police officer to MISD during the school year

2007-159 Consider and take action to approve updates to the City of Midlothian Human Resources Policies and Rules Manual

PUBLIC HEARINGS & REGULAR AGENDA

2007-160 Conduct a public hearing and act upon an ordinance regarding amendments to the City of Midlothian Zoning Ordinance 89-13 (Case OZ02-2006-66). To consider proposed amendments and changes to the City of Midlothian Zoning Ordinance 89-13, as amended: Article 4, Section 4, (Use Table); Article 5, Sections 5.1b (SF-2), 5.1c (SF-3), 5.1d (SF-4), 5.3a (R1.5), 5.4a (R2.5), and 5.5 (R3) (Residential Districts Regulations); Article 7, Sections 7.4 (Sign Regulations) and 7.8 (Masonry Requirements); establishing an effective date; and, any other corresponding additions, deletions or changes to various sections, articles and provisions contained in said zoning ordinance

- 2007-161 Continue a public hearing and act upon an ordinance to rezone the Baldwin/Wilkin Tract (Case No. Z19-2005-155). Applicant is requesting to rezone land currently zoned temporary Agricultural (A) to Planned Development (PD) District (Single-Family Residential uses with minimum lot size of 9,400 sf and maximum lot size of 27,185 sf). Property contains ± 57.219 acres, in the J. Coldiron Survey, Abstract No. 224 and the J.T. Power Survey, Abstract No. 877; and the E.C. Newton Survey, Abstract No. 791, and is generally located east of Mockingbird Lane and ± 2,060 feet south of W. Highland Road, in the City of Midlothian, Ellis County, Texas. Ordering a change in the use of said property from the current temporary Agricultural (A) to a Planned Development (PD) District (Single-Family Residential uses with minimum lot size of 9,400 sf and maximum lot size of 27,185 sf district, and correcting the Official Zoning Map; preserving all other portions of the zoning ordinance; providing a clause relating to severability; determining that the public interests, morals, and general welfare demand a zoning change and amendment therein made; providing a penalty of fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense, and a separate offense shall be deemed committed each day during or on which an offense occurs or continues; with a severability clause; and providing an effective date
- 2007-162 Consider and act upon nomination to various boards and commissions:
1. Planning and Zoning Commission
 2. Zoning Board of Adjustments
- 2007-163 Conduct a public hearing to consider regulations to restrict smoking in public areas

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. 68846, ECOM Real Estate Management, Inc., v. City of Midlothian
3. 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
4. Section 551.071 Legal: Consultation with attorney regarding Cause No. 70243, Peggy Colvin v. City of Midlothian
5. Section 551.071 Legal: Consultation with attorney regarding issues related to Mid-Wax Certificate of Convenience and Necessity Permit application status
6. Section 551.071 Legal: Consultation with attorney regarding Cause No. 72768, Robert Ratzman, et al, v. City of Midlothian
7. 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
8. 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
9. Section 551.072 Real Estate: Deliberate and consider the acquisition of real property necessary for roadway and parks improvement projects

REGULAR AGENDA

- 2007-164 Action resulting from Executive Session, Item # 1: Legal – Slayton
- 2007-165 Action resulting from Executive Session, Item # 2: Legal – ECOM, Cause 68846
- 2007-166 Action resulting from Executive Session, Item # 3: Legal – TCBL
- 2007-167 Action resulting from Executive Session, Item # 4: Legal – Colvin
- 2007-168 Action resulting from Executive Session, Item # 5: Legal – CCN
- 2007-169 Action resulting from Executive Session, Item #6: Legal - Ratzman
- 2007-170 Action resulting from Executive Session, Item #7: Annexation
- 2007-171 Action resulting from Executive Session, Item #8: Real estate: MISD land swap
- 2007-172 Action resulting from Executive Session, Item #9: Real estate: acquisition of real property
- 2007-173 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 6th day of April, 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.**