

**NOTICE OF A REGULAR MEETING
OF THE GOVERNING BODY
OF THE CITY OF MIDLOTHIAN, TEXAS
AUGUST 14, 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

2007-373 Citizens to be Heard

2007-374 Announcements/Presentations

1. Recognize dispatchers for receiving the Team 9-1-1 Award of Merit from the Texas Chapter of the National Emergency Number Association (NENA)
2. Water Meter Radio Read System update and recognition
3. City Council announcements
4. 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.

2007-375 Consider and act upon minutes from city council meetings of July 24 and 31, 2007

2007-376 Consider and act upon a contract with John Lain Heating and Air Conditioning, Midlothian, Texas, for a city-wide maintenance contract for the routine and emergency maintenance of all HVAC units

2007-377 Consider and act upon approval of the Midlothian Chamber of Commerce's proposed budget to expend \$14,585 of municipal hotel/motel tax monies for advertisement and other related expenditures for the 2007 Fall Festival

2007-378 Consider and act upon authorizing the expenditure of \$44,865 to Hilco Electric Cooperative, Inc., for the undergrounding of their power line along the east side of Sudith Lane, from Mt. Zion Road to the new elementary school

2007-379 Consider and act upon awarding a contract to Duncanville Ford for scheduled and unscheduled maintenance of city vehicles for the city of Midlothian, along with the cities of Duncanville and DeSoto, as a participant in the Best Southwest Cooperative Purchasing Association

2007-380 Consider and act upon a Resolution (Case No. RES11-2006-141) authorizing a Downtown Street Dance to be hosted by the Lone Star Auto Club on three consecutive Saturdays, August 17, August 24 and August 31, 2007, in accordance with zoning requirements for Special Events as established by Section 4.4 of Ordinance 89-13 as amended, the city of Midlothian Zoning Ordinance

- 2007-381 Consider and take action to authorize staff to initiate a Request For Qualifications (RFQ) process to select a Construction Manager at Risk to oversee the construction of Fire Station No. 3 and the remodel of Station No. 1

PUBLIC HEARINGS and REGULAR AGENDA

- 2007-382 Conduct a public hearing and act upon an ordinance regarding a Specific Use Permit (SUP) to allow gas well drilling on the Ash Grove H-1H site (Case No. SUP09-2005-129); property is currently zoned Heavy Industrial (HI) and contains ± 4.00 acres, and is generally located west of U.S. Highway 67 and south of Gifco Road, in the city of Midlothian, Texas
- 2007-383 Conduct a public hearing and act upon an ordinance regarding a Specific Use Permit (SUP) to allow gas well drilling on the Ash Grove H-2H site (Case No. SUP07-2006-125); property is currently zoned Heavy Industrial (HI) and contains ± 4.00 acres and is generally located west of U.S. Highway 67 and south of Gifco Road, in the city of Midlothian Texas
- 2007-384 Conduct a public hearing and act upon an ordinance regarding a Specific Use permit (SUP) to allow gas well drilling on the Ash Grove H-3H site (Case No. SUP08-2006-126); property is currently zoned Heavy Industrial (HI) and contains ± 4.00 acres, and is generally located west of U.S. Highway 67 and south of Gifco Road, in the city of Midlothian Texas
- 2007-385 Conduct a public hearing and act upon a resolution providing for an Extra Territorial Jurisdiction (ETJ) apportionment agreement with the city of Ovilla
- 2007-386 Conduct a public hearing and act upon an ordinance regarding a rezoning request of the Gateway Church Addition Lots 1 & 2, Block 1, currently zoned Agricultural (A) and Single Family One (SF-1) districts to a Planned Development (PD) district (Case No. Z10-2006-123); property contains ± 5.267 acres and is located at the northwest corner of FM 1387 and Walnut Grove Road, in the city of Midlothian, Texas

REGULAR AGENDA

- 2007-387 Consider and act upon 2007 property tax abatements for American National Power, Toys “R” Us, Target, Ennis Business Forms, and Kehe Foods
- 2007-388 Consider and act upon a bid award to XIT Paving and Construction, Inc., for the construction of Mt. Zion Road and Sudith Lane, including paving, drainage and utility improvements in an amount not to exceed \$3,004,866.75
- 2007-389 Consider and act upon nominations to various boards and commissions:
- Planning & Zoning Commission
 - Utility Advisory Board
 - Industrial Development Corporation/Midlothian Housing Authority
 - Historic Advisory Board
- 2007-390 Consider and discuss proposed ad valorem tax rate; schedule a public hearing regarding the proposed ad valorem tax rate for August 28, 2007; and set September 11, 2007 as the date to vote on the ad valorem tax rate

2007-391 Review and discuss the proposed Fiscal Year 2007-2008 Annual Operating Budget; schedule a public hearing on the proposed FY 2007-2008 Annual Operating Budget for Tuesday, August 28, 2007 in accordance with Local Government Code §102.006; and set September 11, 2007 as the date to vote on the FY 2007-2008 annual operating budget

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 Cause No. 72768, Robert Ratzman, et al, v. City of Midlothian
6. 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**
7. 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
8. Section 551.072 Real Estate: Deliberate and consider the acquisition of real property necessary for roadway and parks improvement projects
9. Section 551.072 **Real Estate: Deliberation regarding real property – Mt. Zion Road Improvement Project right-of-way acquisitions**
10. 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
11. 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**
12. Section 551.071 **Legal – Consultation with attorney regarding Cause No. 3-07-CV-1351-N, Texas Central Business Lines Corporation v. City of Midlothian**
13. Section 551.074 **Personnel Matters – To deliberate employment agreements of the City Manager and City Manager in Transition**

14. Section 551.086 Deliberation regarding economic development negotiations regarding Project Target

REGULAR AGENDA

- 2007-392 Action resulting from Executive Session, Item # 1: Legal - Slayton
- 2007-393 Action resulting from Executive Session, Item # 2: Legal – TCBL
- 2007-394 Action resulting from Executive Session, Item # 3: Legal – Black
- 2007-395 Action resulting from Executive Session, Item # 4: Legal – Wax-Mid, Inc. CCN
- 2007-396 Action resulting from Executive Session, Item # 5: Legal – Ratzman
- 2007-397 Action resulting from Executive Session, Item # 6: Legal – Annexation
- 2007-398 Action resulting from Executive Session, Item # 7: Real Estate – Hwy 287 Bypass land swap with MISD
- 2007-399 Action resulting from Executive Session, Item # 8: Real Estate – Property acquisition
- 2007-400 Action resulting from Executive Session, Item # 9: Real Estate – Mt. Zion Road
- 2007-401 Action resulting from Executive Session, Item #10: Legal – Conference Center and Senior Citizen’s Center
- 2007-402 Action resulting from Executive Session, Item #11: Legal – Ken Halverson
- 2007-403 Action resulting from Executive Session, Item #12: Legal – Texas Central Business Lines Corporation
- 2007-404 Action resulting from Executive Session, Item #13: Personnel Matters – employment agreements
- 2007-405 Action resulting from Executive Session, Item #14: Economic Development – Project Target
- 2007-406 Adjourn

I, Lou Jameson, 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 10th day of August 2007, at or before 5:00 p.m.



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.