

**NOTICE OF A REGULAR MEETING
OF THE GOVERNING BODY
OF THE CITY OF MIDLOTHIAN, TEXAS
OCTOBER 9, 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

2007-508 Citizens to be Heard

2007-509 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.

2007-510 Consider and act upon minutes from City Council meeting of September 25, 2007

2007-511 Consider and act upon a resolution (Case No. RES01-2007-12) authorizing a downtown street dance, to be hosted by the Lone Star Auto Club on Saturday, October 27, 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

2007-512 Consider and act upon the purchase of a Sterling 12-14 yard dump truck from the Grande Truck Center of San Antonio, utilizing the Houston-Galveston Area Council (HGAC) Purchasing Cooperative, in an amount not to exceed \$86,000.00

2007-513 Consider and act upon the purchase of a Ford F350 Crew Cab pickup truck from Philpott Motors of Nederland, Texas through the Houston-Galveston Area Council (HGAC) Purchasing Cooperative in an amount not to exceed \$22,707.92

2007-514 Consider and act upon a staff recommendation to reject all bids received for the Plum Creek Sanitary Sewer Project

2007-515 Consider and act upon a resolution of the City of Midlothian, Texas suspending the October 25, 2007, effective date of Atmos Energy Corp., Mid-Tex Division requested rate change to permit the City time to study the request and to establish reasonable rates; approving cooperation with Atmos Cities Steering Committee and other cities in the Atmos Energy Corp., Mid-Tex Division service area to hire legal and consulting services and to negotiate with the company and direct any necessary litigation and appeals; requiring reimbursement of cities' rate case expenses; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the company and legal counsel

2007-516 Consider and act upon awarding a 120-day conditional air conditioning/mechanical maintenance contract to republic mechanical as the replacement vendor for the former John Lain Air Conditioning and Heating Company

- 2007-517 Consider and act upon a contract with CTX, Incorporated, Hillsboro, Texas through the utilization of State Contract TXMAS 5-560100, for the purchase and installation of a multi-user flush style restroom for the Mt. Peak Community Park Project in an amount not to exceed \$69,707

PUBLIC HEARINGS and REGULAR AGENDA

- 2007-518 Conduct a public hearing and act upon an ordinance regarding a rezoning request for Milligan Addition, Lot 13A, Block 2 (Case No. Z12-2006-147) To rezone ± 0.264 acres from the current Commercial (C) District to an Urban Village Planned Development (UVPD) District for professional office & personal services including beauty care; property is located at the northeast intersection of W. Ave. B and N. 8th Street, in the City of Midlothian, Texas
- 2007-519 Conduct a public hearing and act upon an ordinance regarding a rezoning request for the Parc at Midlothian (Case No. Z11-2006-134) to rezone ± 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 ± 100 ft. south of Sierra Vista, in the City of Midlothian, Texas

REGULAR AGENDA

- 2007-520 Consider and act upon a resolution to nominate five candidates to the 2008-2009 Board of Directors for the Ellis Central Appraisal District
- 2007-521 Consider and act upon a proposed Economic Development Agreement with SWFA Inc. (Project Target) to participate in the cost of extending City water service to the subject site located on the south side of Highway 287, west of Rex Odom Road; said Agreement to be a forgivable Loan Agreement between the City of Midlothian, the Corporation for Economic Development of Midlothian (“CEDM” aka (“4A”), and SWFA, Inc. (the “Developer”)
- 2007-522 Consider and act upon nominations to various boards and commissions:
- Utility Advisory Board

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 551.086 Economic Development: Deliberation regarding economic development negotiations regarding Project Target**
13. **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

- 2007-523 Action resulting from Executive Session, Item #1: Legal - Slayton
- 2007-524 Action resulting from Executive Session, Item #2: Legal – TCBL
- 2007-525 Action resulting from Executive Session, Item #3: Legal – Black
- 2007-526 Action resulting from Executive Session, Item #4: Legal – Wax-Mid, Inc. CCN
- 2007-527 Action resulting from Executive Session, Item #5: Legal – Annexation
- 2007-528 Action resulting from Executive Session, Item # 6: Real Estate – Hwy 287 Bypass land swap with MISD
- 2007-529 Action resulting from Executive Session, Item #7: Real Estate – Property acquisition
- 2007-530 Action resulting from Executive Session, Item #8: Real Estate – Mt. Zion Road
- 2007-531 Action resulting from Executive Session, Item #9: Legal – Conference Center and Senior Citizen’s Center
- 2007-532 Action resulting from Executive Session, Item #10: Legal – Ken Halverson
- 2007-533 Action resulting from Executive Session, Item #11: Legal – Texas Central Business Lines Corporation
- 2007-534 Action resulting from Executive Session, Item #12: Economic Development – Project Target

2007-535 Action resulting from Executive Session, Item #13: Legal – 22.38 acres, Zoning Case Z11-2006-134

2007-536 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 5th day of October, 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.**