

**NOTICE OF A REGULAR MEETING
OF THE GOVERNING BODY
OF THE CITY OF MIDLOTHIAN, TEXAS
NOVEMBER 27, 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

2007-599 Citizens to be Heard

2007-600 Announcements/Presentations

1. City Council announcements
2. City Manager announcements
3. Presentation of Parks and Recreation Male and Female Athlete of the Year Award

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.

2007-601 Consider and act upon minutes from City Council meeting of November 13, 2007

2007-602 Consider and act upon amending a software purchase/use agreement with McLain Decision Support Systems (MDSS) of McKinney, Texas to change the payment schedule; remove the requirement for a performance bond and; increase the authorized funding from \$88,350 to an amount not to exceed \$95,000

2007-603 Consider and act upon an ordinance of the City of Midlothian, Texas, amending the FY 2006-2007 General Fund Budget appropriations for cross-department transfers in the amount of \$113,982 to cover over-budget expenditures 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

2007-604 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 \$204,192.98 from the Unreserved Fund Balance for expenditures encumbered but not yet 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

2007-605 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 \$162,279 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

- 2007-606 Consider and act upon an ordinance of the City of Midlothian, Texas, amending the FY 2007-2008 Utility Services Fund Budget Appropriations in the amount of \$162,454.50 from the Unreserved Fund Balance for expenditures encumbered but not yet 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
- 2007-607 Consider and act upon an ordinance of the City of Midlothian, Texas, amending the FY 2007-2008 Utility Services Fund Budget Appropriations in the amount of \$1,775,578 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
- 2007-608 Consider and act upon a Greater Dallas-Ft. Worth Regional Law Enforcement Assistance Agreement
- 2007-609 Consider and take action to approve a one-year contract with Ellis County Emergency Services District No. 2
- 2007-610 Consider and act upon a resolution authorizing the First Annual Tree Lighting, hosted by the Midlothian Downtown Business Association and the City of Midlothian Parks Department on Saturday, December 1, 2007, in accordance with zoning requirements for special events as established by the City of Midlothian Zoning Ordinance 89-13, as amended, Section 4.4 (Use Table) (Case No. RES03-2007-20)
- 2007-611 Consider and act upon a resolution authorizing an annual Holiday Parade (Case No. RES02-2007-19) hosted by the Midlothian Chamber of Commerce on Monday, December 3, 2007, in accordance with zoning requirements for special events as established by the City of Midlothian Zoning Ordinance 89-13, as amended, Section 4.4 (Use Table)
- 2007-612 Consider and act upon a Professional Services Agreement between the City of Midlothian and Bureau Veritas North America Inc., Master Contract for plan review and inspection services
- 2007-613 Consider and act upon a Temporary Lease Agreement with Midlothian Independent School District for the use of City property for the installation of certain public improvements and facilities for the Larue Miller Elementary School
- 2007-614 Consider and act upon the purchase of a ZD331-72 Kubota mower (\$12,310.50), a canopy sunshade (\$325.38), a Ryan Jr. sod cutter (\$3,895) and the Redexim Turf Tidy tractor (\$14,310.60) for an amount not to exceed \$30,841.48
- 2007-615 Consider and act upon the purchase of playground equipment, picnic shelter, and site amenities from American Parks Company of Frisco, Texas for the Walter Stephenson Park Project in an amount not to exceed \$56,174.90
- 2007-616 Consider and act upon a thirty-six month Fair Market Value Lease with Dell Computers with a total equipment cost of \$53,760.18 for the lease of 32 Dell Optiplex 755 computers, monitors and 16 Dell laptops as part of the City's Replacement Program and as approved in the Capital Equipment Program and the FY 2007-2008 Budget

PUBLIC HEARINGS and REGULAR AGENDA

- 2007-617 Continue a public hearing and act upon an ordinance regarding a rezoning request for the Parc at Midlothian, to consider a request to rezone ± 22.38 acres from the current Planned Development Four (PD-4) and Single Family One (SF-1) Districts 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 (Case No. Z11-2006-134)
- 2007-618 Conduct a public hearing to consider and act upon an ordinance regarding amendments to the City of Midlothian Zoning Ordinance 89-13, as amended, specifically amending Article 7, Section 7.4 Sign Regulations adding a section for Unified Sign Agreements; and any other corresponding additions, deletions or changes to various sections, articles and provisions contained in said Zoning Ordinance (Case No. OZ01-2007-07)
- 2007-619 Conduct a public hearing to consider and act upon an ordinance regarding amendments to the City of Midlothian Zoning Ordinance, (Case No. OZ03-2007-17) specifically amending Article 7, Section 7.8-7, the masonry regulations in Industrial Districts and any other corresponding additions, deletions or changes to various sections, articles and provisions contained in said Zoning Ordinance
- 2007-620 Conduct a public hearing to consider and act upon an ordinance regarding amendments to the City of Midlothian Zoning Ordinance 89-13, as amended, specifically amending Article 6, Section 6.1, (Planned Development Amenities); and, any other corresponding additions, deletions or changes to various sections, articles and provisions contained in said Zoning Ordinance and establishing an effective date (Case OZ06-2006-148)

REGULAR AGENDA

- 2007-621 Consider a resolution authorizing the City Attorney, acting on behalf of the City of Midlothian, to institute eminent domain proceedings against Alton Roy Snow and wife, Sallie Snow, and all other appropriate parties, for acquisition of a right-of-way parcel described as 0.054 acres/2,372 square feet, located in the B. F. Hawkins Survey, Abstract No. 464, Midlothian, Ellis County, Texas
- 2007-622 Consider and act upon a bid award to JDC Construction for the Mt. Peak Community Park Project #125 located at 6411 Hill Drive, Midlothian, Texas, in an amount not to exceed \$392,000.00
- 2007-623 Consider and take action to approve updates to the City of Midlothian Human Resources Policies and Rules Manual and to change the name to the Human Resources Policy Manual
- 2007-624 Consider and act upon an ordinance amending Ordinance 99-20, as amended, by amending Section 14-47 “Connection Required” by specifically adding an exemption clause, and any other additions, deletions or changes to various sections, articles, and provisions contained in said Ordinance (Case No. M02-2007-21)

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

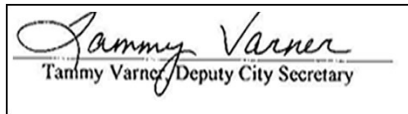
2. Section 551.071 Legal: Consultation with attorney regarding Cause No. 67202, Midlothian v. Texas Central Business Lines Corporation, et al, pursuant to attorney's ethical duty to advise City regarding such matters
3. Section 551.071 Legal: Consultation with attorney regarding Cause No. 74216, Letha 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

- | | |
|----------|---|
| 2007-625 | Action resulting from Executive Session, Item #1: Legal - Slayton |
| 2007-626 | Action resulting from Executive Session, Item #2: Legal – TCBL |
| 2007-627 | Action resulting from Executive Session, Item #3: Legal – Black |
| 2007-628 | Action resulting from Executive Session, Item #4: Legal – Wax-Mid, Inc. CCN |
| 2007-629 | Action resulting from Executive Session, Item #5: Legal – Annexation |
| 2007-630 | Action resulting from Executive Session, Item # 6: Real Estate – Hwy 287 Bypass land swap with MISD |
| 2007-631 | Action resulting from Executive Session, Item #7: Real Estate – Property acquisition |
| 2007-632 | Action resulting from Executive Session, Item #8: Real Estate – Mt. Zion Road |
| 2007-633 | Action resulting from Executive Session, Item #9: Legal – Conference Center and Senior Citizen's Center |

- 2007-634 Action resulting from Executive Session, Item #10: Legal – Ken Halverson
- 2007-635 Action resulting from Executive Session, Item #11: Legal – Texas Central Business Lines Corporation
- 2007-636 Action resulting from Executive Session, Item #12: Legal – 22.38 acres, Zoning Case Z11-2006-134
- 2007-637 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 21st day of November, 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.**