

**NOTICE OF A REGULAR MEETING
OF THE GOVERNING BODY
OF THE CITY OF MIDLOTHIAN, TEXAS
APRIL 8, 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

2008-131 Citizens to be Heard

2008-132 Announcements/Presentations

1. City Council announcements
2. City Manager announcements
3. Presentation of Top Ops Award to Water Treatment Plant Staff

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.

2008-133 Consider and act upon minutes from City Council meeting of March 31, 2008

2008-134 Consider and act upon a Consulting Services Agreement with Milliman, Inc. for the provision of actuarial services required to meet GASB 43/45 requirements and other services, as requested

2008-135 Consider and take action to approve a new five-year agreement between the City and Intermedix Technologies, Inc. for rescue ambulance billing and related professional services

2008-136 Consider and act upon approval of a Facility Maintenance Contract with Palco Enterprises, Inc., dba Palco Engineering and Construction Services, for construction management services at the Justice Center

2008-137 Consider and act upon a Resolution authorizing the annual Spring Fling Arts & Crafts Fair, an event hosted by the Midlothian Chamber of Commerce and scheduled for Saturday, May 3, 2008, in accordance with zoning requirements for this type of event as established by Section 4.4 of Ordinance 89-13 as amended, the City of Midlothian Zoning Ordinance (Case No. RES08-2007-51)

PUBLIC HEARINGS and REGULAR AGENDA

2008-138 Conduct a public hearing and act upon an Ordinance regarding a property owner petition for the establishment of a Public Improvement District (PID) under the provisions of Chapter 372 of the Texas Local Government Code for MidTowne for the improvement/services, proposed assessment and details related to proposed establishment of this district. Property contains ± 131 acres and is generally located east of F.M. 663, west of South 14th Street and ± 1,831 feet south of Cemetery Road (Case No. M07-2007-57)

- 2008-139 Conduct a public hearing and act upon an Ordinance regarding a Specific Use Permit (SUP) for Murphy Oil USA to allow a freestanding fueling station with a ± 600 square foot building for retail sales on property currently zoned Planned Development (PD-24) & Commercial (C) Districts. Property contains ± 1.20 acres, and is located in the Wal-Mart Addition, (Lot 1, Block B) east of Walton Way and north of West Main Street (Case No. SUP10-2007-43)

REGULAR AGENDA

- 2008-140 Consider and act upon an Ordinance to vacate and abandon a portion of F.M. 1387 and all dedicated rights-of-way within Phase One of Texanna Ranch Final Plat, as recorded at Ellis County in Cabinet H, Slide 416. Property is generally located north of F.M. 1387 and ± 980 feet east of Bryson Lane (being more fully described hereinafter on the attached Exhibit “A & B”); declaring that such rights-of-way are unnecessary for use by the public; authorizing the Mayor of the City of Midlothian, Texas to execute a Quitclaim Deed releasing public ownership, interest or control of said rights-of-way to the abutting fee simple property owner; providing for engrossment and enrollment and providing for an effective date (Case No. ROW02-2007-56)

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 Legal: Consultation with attorney regarding Cause No. D-1-GN-08-000516, Wax Mid, Inc. v. Texas Commission on Environmental Quality and City of Midlothian, et al
5. 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
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: Deliberate and consider the acquisition of real property necessary for right-of-way purposes
8. Section 551.071 Legal: Consultation with attorney regarding Cause No. 75885, City of Midlothian v. Randall Denton and Musket Corporation, pursuant to attorney’s ethical duty to advise City regarding such matters

9. Section 551.071 Legal: Consultation with attorney regarding a potential real estate transaction required for the exchange of Certificate of Convenience and Necessity (CCN) territory of Mt. Peak Special Utility District (SUD) and City of Midlothian, pursuant to attorney's ethical duty to advise City regarding such matters

REGULAR AGENDA

- 2008-141 Action resulting from Executive Session, Item #1: TCBL
2008-142 Action resulting from Executive Session, Item #2: Property acquisition
2008-143 Action resulting from Executive Session, Item #3: TCBL federal
2008-144 Action resulting from Executive Session, Item #4: Wax Mid, Inc.
2008-145 Action resulting from Executive Session, Item #5: Midlothian Conference Center
2008-146 Action resulting from Executive Session, Item #6: Annexation
2008-147 Action resulting from Executive Session, Item #7: Right-of-Way
2008-148 Action resulting from Executive Session, Item #8: Randall Denton/Musket Corp.
2008-149 Action resulting from Executive Session, Item #9: Mt. Peak SUD CCN
2008-150 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 4th day of April, 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.**